

No. 14496-B.H.

Filed AUG 28 1940

Viol.: Title 18, United States Code, Section 338;  
Title 18, United States Code, Section 88.

IN THE DISTRICT COURT OF THE UNITED STATES  
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
CENTRAL DIVISION

At a stated term of said court, begun and holden at the City  
of Los Angeles, County of Los Angeles, within and for the Central  
Division of the Southern District of California on the first Monday of  
February in the year of our Lord one thousand, nine hundred and forty:

The grand jurors for the United States of America, after being  
duly impaneled, sworn, affirmed and charged at the term of said court  
now pending to inquire in and for the Southern District of California,  
upon their oaths and solemn affirmations do present:

T h a t

✓ EDNA W. BALLARD; alias Saint Germain, Jesus, Joan  
of Arc, Lotus Ray King, Chanera;  
✓ DONALD BALLARD; alias Edona Eros Ballard, Lafayette;  
✓ BETTY MUNDY;  
✓ FRANK VON DERHOYA;  
✓ CHARLES SINDELAR;  
✓ PEARL SINDELAR;  
✓ FRED E. DOBBINS;  
✓ PAUL STICKELL;  
✓ LOUISE MAJERUS;  
✓ CECILIA MAJERUS;  
✓ PAUL POTTER;  
✓ WILLIAM J. CASSIERE;  
✓ CAROLIE HENDRICKSON; alias Ratana Hendrickson;  
✓ FRANCES EKEY;  
✓ BERT E. CORPORON;  
✓ SALLIE BRESSLER;  
✓ BOND BRESSLER;  
✓ MRS. PAUL POTTER;  
✓ STANLEY CONRAD;  
✓ MRS. ADA COX FISHER;  
✓ GRANT L. LEWIS;  
✓ PEARL DIEHL;  
✓ ROBERT LE FEVRE, and JOHN C. KOSTER.

whose names are to the grand jurors otherwise unknown, who are hereby  
indicted and hereinafter referred to as "defendants," and Guy W. Ballard,  
now deceased and therefore not indicted herein, but who merely for the  
purpose of convenience is included and referred to in the term "defend-  
ants," and divers other persons whose names are to the grand jurors

EM

unknown, heretofore, to-wit: during the early part of the year 1934, the exact date of which is unknown to the grand jury, and continuously thereafter up to and including the date of the filing of this indictment, in the Southern District of California and within the jurisdiction of this court, did unlawfully, knowingly and wilfully devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent representations, pretenses and promises from a large number of persons, hereinafter called the "persons intended to be defrauded," and that class of persons who could or might be induced by means of any of the fraudulent or false devices, representations, and promises hereinafter mentioned, to purchase the books, magazines, pictures, articles, and other paraphernalia offered for sale by the defendants, and each of them, and to become followers, or who might be induced to accept the teachings and movement sponsored by the defendants, commonly known as the "I Am" movement, and who might be induced to give, send, and pay their money and give other things of value to said defendants, among whom were:

COL. EDWARD P. BAILEY	LILLIAN M. SHISSLER	MURIEL BLISS
ELOISE JENSSEN	WILLIAM I. FERGUSON	PORTIA TERRY
MARGARET H. SCHALL	VIRGINIA LA FERRERA	MARGARET PETTIT, and
ALLEN C. RADCLIFFE	VINTON D. LA FERRERA	LUCILLE C. SIEFERT

and divers other persons whose names are to the grand jurors unknown, including all of that class of persons in the State of California and elsewhere throughout the United States whom the said defendants would and could induce, persuade and entice to become members and followers of a certain organization or movement, organized and operated by the defendants, and by them designated and hereinafter referred to as the "I Am" movement, which said scheme and artifice was and is in substance as follows, to-wit:

1. It was a part of the said scheme and artifice to defraud that the defendants would and did create, organize and operate a certain organization or movement known as the "I Am" movement, and by means of false and fraudulent representations, pretenses and promises,



1 no law respecting the establishment of religion,  
2 or forbidding the free exercise thereof, was intended  
3 to allow every one under the jurisdiction of the  
4 United States to entertain such notions respecting  
5 his relations to his Maker and the duties they impose  
6 as may be approved by his judgment and conscience,  
7 and to exhibit his sentiments in such form of worship  
8 as he may think proper, not injurious to the equal  
9 rights of others, and to prohibit legislation for  
10 the support of any religious tenets, or the modes of  
11 worship of any sect."  
12

13 \* \* \* \* \*

14 (pp.342-343) "It was never intended or supposed that  
15 the amendment could be invoked as a protection against  
16 legislation for the punishment of acts inimical to  
17 the peace, good order and morals of society. With  
18 man's relations to his Maker and the obligations he may  
19 think they impose, and the manner in which an expression  
20 shall be made by him of his belief on those subjects,  
21 no interference can be permitted, provided always the  
22 laws of society, designed to secure its peace and  
23 prosperity, and the morals of its people, are not  
24 interfered with. However free the exercise of religion  
25 may be, it must be subordinate to the criminal laws  
26 of the country, passed with reference to actions re-  
27 garded by general consent as properly the subjects of  
28 punitive legislation. There have been sects which  
29 denied as a part of their religious tenets that there  
30 should be any marriage tie, and advocated promiscuous  
31 intercourse of the sexes as prompted by the passions  
32

1 of its members. And history discloses the fact that  
2 the necessity of human sacrifices, on special occasions,  
3 has been a tenet of many sects. Should a sect of either  
4 of these kinds ever find its way into this country,  
5 swift punishment would follow the carrying into effect  
6 of its doctrines, and no heed would be given to the  
7 pretence that, as religious beliefs, their supporters  
8 could be protected in their exercise by the Constitu-  
9 tion of the United States. Probably never before in  
10 the history of this country has it been seriously con-  
11 tended that the whole punitive power of the government  
12 for acts, recognized by the general consent of the  
13 Christian world in modern times as proper matters for  
14 prohibitory legislation, must be suspended in order  
15 that the tenets of a religious sect encouraging crime  
16 may be carried out without hindrance."

17 \* \* \* \* \*

18  
19 (p.344). "This being so, the only question that  
20 remains is, whether those who make polygamy a part of  
21 their religion are excepted from the operation of the  
22 statute. If they are, then those who do not make  
23 polygamy a part of their religious belief may be  
24 found guilty and punished, while those who do must be  
25 acquitted and go free. This would be introducing a  
26 new element into criminal law. Laws are made for the  
27 government of actions, and while they cannot interfere  
28 with mere religious belief and opinions, they may  
29 with practices. Suppose one believed that human  
30 sacrifices were a necessary part of religious worship,  
31 would it be seriously contended that the civil govern-  
32 ment under which he lived could not interfere to pre-

1 vent a sacrifice? Or, if a wife religiously believed it  
2 was her duty to burn herself upon the funeral pile of  
3 her dead husband, would it be beyond the power of the  
4 civil government to prevent her carrying her belief into  
5 practice? So here, as a law of the organization of  
6 society under the exclusive dominion of the United  
7 States, it is provided that plural marriages shall not  
8 be allowed. Can a man excuse his practices to the  
9 contrary because of his religious belief? To permit  
10 this would be to make the professed doctrines of  
11 religious belief superior to the law of the land, and  
12 in effect to permit every citizen to become a law  
13 unto himself. Government could exist only in name  
14 under such circumstances."

15 \* \* \* \* \*

16  
17 (p.345). "It is assumed by counsel of the petitioner,  
18 that because no mode of worship can be established  
19 or religious tenets enforced in this country, therefore  
20 any form of worship may be followed and any tenets, however  
21 destructive of society may be held and advocated, if  
22 asserted to be a part of the religious doctrines of  
23 those advocating and practising them. But nothing is  
24 further from the truth. Whilst legislation for the  
25 establishment of a religion is forbidden, and its  
26 free exercise permitted, it does not follow that  
27 everything which may be so called can be tolerated.  
28 Crime is not the less odious because sanctioned by  
29 what any particular sect may designate as religion."

30 II.

31 DURLAND v. UNITED STATES, 161 U.S. 306.

32 Your Honor is familiar with the fact that the above mail

1 defraud that the defendants would and did by means of false and fraudu-  
2 lent representations, pretenses and promises, sell and cause to be sold  
3 to the persons to be defrauded various rings, tokens, pictures, para-  
4 phernalia and divers other articles.

5 7. It was a further part of said scheme and artifice to  
6 defraud that the said defendants would and did arrange for, establish  
7 and maintain branch offices, meeting rooms, and reading rooms in various  
8 cities and towns throughout the United States, including

9 LOS ANGELES, CALIFORNIA;  
10 SAN FRANCISCO, CALIFORNIA;  
11 CHICAGO, ILLINOIS;  
12 WASHINGTON, D. C.;  
13 PHILADELPHIA, PENNSYLVANIA;  
14 NEW YORK CITY, NEW YORK;  
15 BOSTON, MASSACHUSETTES;  
16 CLEVELAND, OHIO;  
17 DENVER, COLORADO;  
18 SALT LAKE CITY, UTAH;  
19 FORT WORTH, TEXAS;  
20 DALLAS, TEXAS;  
21 WEST PALM BEACH, FLORIDA,

22 and other principal cities throughout the United States; and that the  
23 defendants would and did arrange for and conduct meetings, classes and  
24 lectures at the aforesaid branch offices and meeting rooms and reading  
25 rooms for the instruction of the persons intended to be defrauded, in  
26 the principles, precepts and doctrines of the "I Am" movement.

27 8. It was a further part of the said scheme and artifice to  
28 defraud that the said defendants would and did arrange for and conduct  
29 radio programs and broadcasts over various radio stations in the United  
30 States for the instruction of the persons intended to be defrauded in  
31 the principles, precepts and doctrines of the "I Am" movement.

32 9. It was a further part of the said scheme and artifice to  
defraud that the defendants, for the purpose of soliciting, inducing,  
encouraging, persuading and enticing the said persons intended to be  
defrauded to become members and followers of the aforesaid "I Am"  
movement and for the purpose of soliciting, inducing, encouraging, per-  
suading and enticing the said persons intended to be defrauded to give,  
donate and contribute sums of money and other things of value to the

defendants and the aforesaid corporations dominated and controlled by them, and for the purpose of soliciting, inducing, encouraging, persuading and enticing the said persons intended to be defrauded to purchase from the defendants and corporations dominated and controlled by them, the aforesaid books, pamphlets, charts, rings, tokens and divers other articles heretofore mentioned, would, in the aforesaid meetings, lectures, radio broadcasts and through and by means of letters, books, pamphlets and divers other written and printed matter, falsely and fraudulently represent to the persons intended to be defrauded, in substance and effect as follows, to-wit:

10. That the defendant Guy W. Ballard had attained a supernatural state of self-immortality, which condition enabled him to conquer disease, death, old age, poverty, and misery; whereas in truth and in fact the defendants well knew that the said Guy W. Ballard had not attained such a state of self-immortality which would enable him to conquer disease, death, old age, poverty, or misery, but was subject to disease and death common to mortal man, and did in fact die on December 29, 1939, in the City of Los Angeles, California, following an operation performed upon him;

11. That the defendants falsely represented that Guy W. Ballard, now deceased, alias Saint Germain, Jesus, George Washington, and Godfre Ray King, had been selected and thereby designated by the alleged "ascended master," Saint Germain, as a divine messenger; and that the words of "ascended masters" and the words of the alleged divine entity, Saint Germain, would be transmitted to mankind through the medium of the said Guy W. Ballard; whereas in truth and in fact the defendants well knew that the said Guy W. Ballard was not a "divine messenger" and all of said representations so made were false and fraudulent, and the defendants and each of them well knew that defendant Guy W. Ballard had no such divine or supernatural power;

12. That the defendants represented that Guy W. Ballard, during his lifetime, and Edna W. Ballard and Donald Ballard, by reason

1 of their alleged high spiritual attainments and righteous conduct,  
2 had been selected as divine messengers through which the words of the  
3 alleged "ascended masters," including the alleged Saint Germain, would  
4 be communicated to mankind under the teachings commonly known as the  
5 "I Am" movement; whereas in truth and in fact the defendants, and each  
6 of them, well knew that none, neither, nor any of the three above design-  
7 nated persons had in fact achieved a high spiritual attainment; and  
8 whereas in fact none, neither, nor any of the said three designated  
9 persons had in fact lived a life either prior to the date set forth  
10 in the herein indictment or continuously up to and including the  
11 filing thereof, which said life adhered to and consisted of righteous  
12 conduct;

13 13. That the defendants and each of them represented that  
14 Guy W. Ballard, his widow, Edna W. Ballard, alias Saint Germain,  
15 Jesus, Joan of Arc, Lotus Ray King, and Chanera, and Donald Ballard,  
16 the son of Guy W. Ballard and Edna W. Ballard, who was also known as  
17 Lafayette and Edona Eros Ballard, had by supernatural visitation been  
18 accorded a supernatural state of self-immortality of body and also  
19 had been appointed messengers of divine entities and "ascended masters";  
20 and that it was only through the medium of one, either, or all of said  
21 designated persons that the teachings and principles of alleged "ascend-  
22 ed masters" and of divine entities would be transmitted to mankind;  
23 whereas in truth and in fact the defendants well knew that said repre-  
24 sentations pertaining to the alleged self-immortality of Guy W. Ballard,  
25 Edna W. Ballard, and Donald Ballard were false and fraudulent; and  
26 that the defendants well knew that the said representations as to the  
27 ability of one or either of said persons to transmit the messages of  
28 divine entities and of "ascended masters" to mankind were false and  
29 fraudulent, and that all of said designated persons were mortal per-  
30 sons without any supernatural powers;

31 14. That the defendants represented that the teachings,  
32 precepts, doctrines, and principles published and promulgated by the

1 defendants under the movement "I Am," were the only channels through  
2 which the alleged spiritual teachings or words of the alleged Saint  
3 Germain and other "ascended masters" would be given to the world.  
4 The defendants represented that the said words and teachings promul-  
5 gated under the movement known as the "I Am" movement were absolutely  
6 essential to the salvation of mankind, which said teachings and doc-  
7 trines are too voluminous to be set forth herein and for that reason  
8 are omitted by the grand jury; that the defendants well knew that said  
9 alleged representations were false and fraudulent and had no foundation  
10 for representing to persons intended to be defrauded that said teach-  
11 ings, doctrines, and precepts were absolutely essential to the salva-  
12 tion of mankind;

13 15. That the defendants represented that Guy W. Ballard,  
14 during his lifetime, and Edna W. Ballard and Donald Ballard had attain-  
15 ed a supernatural state of self-immortality, which condition enabled  
16 them, and each of them, to be entirely free from ailments common to  
17 man, and to conquer disease, death, old age, poverty, and misery,  
18 which power or condition and supernatural state the defendants, and  
19 each of them, represented they could and would transmit to others  
20 willing to pay therefor or willing to part with other things of value  
21 therefor to the defendants, for the false and fraudulent purpose of  
22 securing money or other things of value from the persons intended to  
23 be defrauded; whereas in truth and in fact the defendants, and each of  
24 them, well knew that none, neither, nor all of said above designated  
25 named three persons had any such power, supernatural ability, or con-  
26 dition; and that they well knew that they had no such supernatural  
27 ability, power, or condition to transmit to others the ability to con-  
28 quer disease, death, old age, poverty, and misery; and that all of  
29 said representations were false and fraudulent;

30 16. That the defendants, and each of them, represented that  
31 Guy W. Ballard, during his lifetime, and Edna W. Ballard and Donald  
32 Ballard had, by reason of supernatural attainments, the power to

1 heal persons of ailments and diseases and to make well persons afflict-  
2 ed with any diseases, injuries, or ailments, and did falsely represent  
3 to persons intended to be defrauded that the three designated persons  
4 had the ability and power to cure persons of those diseases normally  
5 classified as curable and also of diseases which are ordinarily classi-  
6 fied by the medical profession as being incurable diseases; and did  
7 further represent that the three designated persons had in fact cured  
8 either by the activity of one, either, or all of said persons, hun-  
9 dreds of persons afflicted with diseases and ailments; whereas in  
10 truth and in fact the defendants, and each of them, well knew that  
11 none, neither, nor all of said designated persons had the power to  
12 cure or heal mankind of diseases or ailments, and in truth and in  
13 fact knew that neither of said designated persons had in fact ever  
14 cured any person suffering from curable or incurable diseases or ail-  
15 ments, but said representations were made for the purpose of acquiring  
16 domination and implicit belief among the followers of said movement  
17 so as to acquire a powerful influence over said persons and to cause  
18 the persons intended to be defrauded to believe that one, either or  
19 all of said designated persons had divine power of a supernatural  
20 nature.

21 17. That the defendants, and each of them, represented by  
22 direct representations and by innuendos, worded and delivered in such  
23 a manner as to cause a belief among persons willing to accept the  
24 teachings of the "I Am" movement, that Guy W. Ballard, during his  
25 lifetime, and Edna W. Ballard and Donald Ballard, and each of them,  
26 had, by reason of divine origin, acquired a great healing power and  
27 did represent to the followers and students of said movement that  
28 said followers might also acquire such healing power and be able to  
29 achieve perfect bodies and heal themselves of all human ailments if  
30 said followers would give implicit obedience to the precepts, prin-  
31 ciples, teachings and doctrines of the "I Am" movement; whereas in  
32 truth and in fact the defendants, and each of them, well knew that



Government's Proposed Instruction No. \_\_\_\_\_

One who commits an overt act with knowledge of the conspiracy is guilty even though he is absent when the crime, which is the object of the conspiracy, is committed. Each defendant's knowledge as to the scope of the conspiracy may be limited and he need not know all the details of the plan or the operation.

Each defendant need not have knowledge of all who are members in the conspiracy or of the part played by each of such members and the division of spoils is immaterial. ~~In fact, a defendant may obtain~~ ~~utterly no reward and still be a party to the conspiracy.~~ He must, <sup>of the existence</sup> however, know <sup>and its purpose,</sup> the purpose of the conspiracy, otherwise he can not be found guilty.

Marino v. U. S., 91 Fed. (2) 691, on p. 696.

~~(The Marino case is cited with approval in the Falcone case. This and other instructions from it have been taken almost verbatim as in the Marino case there is a most exhaustive reference to leading U.S. and Ninth Circuit Court cases and others on the subject of conspiracy.)~~

Given as requested \_\_\_\_\_

Given as modified \_\_\_\_\_

Refused \_\_\_\_\_

\_\_\_\_\_  
United States District Judge.

(9)

1 none, neither, nor any of said designated Ballards had any such power  
2 to heal and did not in fact have the power to transfer to others their  
3 alleged power to heal persons of human ailments and their alleged  
4 power to achieve perfect bodies free from disease common to mankind;

5 18. That the defendants, and each of them, further represented  
6 as a part of said scheme and artifice to defraud the persons intended  
7 to be defrauded, that the three designated persons, to-wit: Guy W.  
8 Ballard, Edna W. Ballard, and Donald Ballard, had a divine and super-  
9 natural ability to bring forth from a supernatural state, money, riches,  
10 and other material needs necessary to mankind, which power or condition  
11 and supernatural state the defendants represented that they could trans-  
12 mit to others willing to pay therefor or willing to part with things of  
13 value therefor; whereas in truth and in fact the above designated de-  
14 fendants well knew that none, neither, nor all of them had any such  
15 supernatural power or ability of precipitation and all of said repre-  
16 sentations were false and fraudulent;

17 19. That the defendants, and each of them, did publish and  
18 sell and cause to be published and sold over a period of approximately  
19 six years last past, continuously up to and including the filing of  
20 the herein indictment, books wherein and whereby the defendants, and  
21 each of them, falsely represented to the persons intended to be de-  
22 frauded that said books were the result of divine visitations and  
23 dictations by the alleged Saint Germain and other alleged supernatural  
24 entities appearing in various supernatural visitations to one, either,  
25 or all of the defendants Guy W. Ballard, Edna W. Ballard, and Donald  
26 Ballard; that the defendants represented said books contained the  
27 divine instructions for the salvation of mankind; that among such  
28 books were those published under the name of "Unveiled Mysteries"  
29 and "The Magic Presence"; that the defendants, and each of them,  
30 represented that the alleged Saint Germain and various other alleged  
31 "ascended masters" too numerous to mention, communicated to mankind  
32 solely through the medium of one or more of the aforesaid designated

1 defendants; that the defendants did endeavor to and did sell copies  
2 of said books to the persons intended to be defrauded under the afore-  
3 alleged representations, knowing at all times that said alleged repre-  
4 sentations with respect to their origin and alleged divine inspiration  
5 were false and fraudulent, and fully knowing that said books were not  
6 divinely inspired but were in fact the writings of one or more of said  
7 designated defendants, together with plagiarism from occult and meta-  
8 physical writings of others, persuading persons intended to be defraud-  
9 ed that, in their aim and desire to acquire salvation and self-immor-  
10 tality, they must purchase from said defendants said books;

11         20. That the said defendants over a period of the six years  
12 last past and up to the date of the return of this indictment did pub-  
13 lish, circulate, and sell magazines, booklets, circulars, letters,  
14 "edicts," "decrees," and musical compositions, circulating and selling  
15 the same among the persons intended to be defrauded upon the false  
16 representations that said writings or compositions as aforesaid were  
17 divinely inspired and dictated by supernatural entities or "ascended  
18 masters" and were a part of the medium by which persons intended to  
19 be defrauded could obtain divine salvation, knowing full well that  
20 all of said publications were man written and that said representations  
21 were false and fraudulent;

22         21. That the defendants, and each of them, represented both  
23 orally and by writings that it was solely by reason of their teachings  
24 and their embodiment in the "I Am" movement and by reason of their  
25 divine power and influence that the United States of America was saved  
26 from destruction, and that by divine inspiration there had been accord-  
27 ed to them the ability to maintain the sovereignty and general welfare  
28 of the United States of America; that by reason thereof they repre-  
29 sented to the persons intended to be defrauded that it was absolutely  
30 necessary that complete obedience be had to their teachings, commands,  
31 and decrees for the safety, welfare, and sovereignty of the United  
32 States and for divine justice to be had in governmental activities

Reproduced from the holdings of the National Archives  
*Pacific Southwest Region*

1 and the activities of industry; that the defendants well knew that all  
2 of said representations were false and untrue and had no foundation in  
3 fact and that the welfare and safety of the United States did not de-  
4 pend upon persons following the teachings or commands of their movement;

5 22. That the defendants, and each of them, under the guise  
6 of Americanism and as a subterfuge, from time to time represented that  
7 their organization and the teachings thereof were primarily educational  
8 and of a patriotic nature; whereas in truth and in fact the defendants,  
9 and each of them, had no sincere foundation for such representation,  
10 but utilized the patriotic gestures as a part of their program to mis-  
11 lead persons intended to be defrauded to have confidence in said move-  
12 ment, and for the further reason of being able to sell to persons in-  
13 tended to be defrauded relatively expensive symbols, articles and  
14 flag pins, so that the defendants, and each of them, could more  
15 abundantly enrich themselves from persons intended to be defrauded;

16 23. That the defendants represented that a reproduction of  
17 a painting of a picture represented by the defendants as being an  
18 actual picture of the "ascended master" Saint Germain, was the result  
19 of an actual physical visitation by the alleged Saint Germain before  
20 one Charles Sindelar; and that the said alleged Saint Germain did  
21 physically pose before the said Charles Sindelar for said painting and  
22 did represent to the persons intended to be defrauded and the followers  
23 of said movement that the purchase of said picture from the defendants  
24 was desirable in their aim and hope to achieve salvation; whereas in  
25 truth and in fact the defendants well knew that said painting and re-  
26 production thereof was posed by mortal man and was not in truth and in  
27 fact a painting from the actual posing of the alleged "ascended master"  
28 Saint Germain;

29 24. That the defendants falsely represented that the purchase  
30 of certain tokens, rings, paraphernalia, and adornment, sold by the de-  
31 fendants to the persons intended to be defrauded and the students of  
32 the said "I Am" movement, would bestow upon said purchasers great

blessings and rewards in their aim to achieve salvation; whereas in

2 truth and in fact the defendants had no foundation for said representa-  
3 tions and well knew that said representations were false and fraudulent,  
4 and that said articles, rings, tokens, paraphernalia, and adornment  
5 were man-made and had no ability to aid in achieving salvation;

6         25. That the defendants, and each of them, falsely represented  
7 from time to time that there would be an actual visitation in one or  
8 more designated cities or places in the United States of "ascended  
9 masters" or divine entities, which said divine entities would appear in  
10 physical form before the assembly of followers of said movement, and by  
11 reason thereof said defendants acquired a hypnotic control, power, and  
12 domination over the persons intended to be defrauded, to-wit: the fol-  
13 lowers of the "I Am" movement, causing many of said followers to reach  
14 such a high state of emotionalism that they were willing to travel  
15 from far distances at great expense to themselves under the hope and  
16 expectation that they would view the physical appearance of the alleged  
17 "ascended masters" and other divine entities, said defendants knowing  
18 full well at all times that all of said representations were false,  
19 fraudulent, and were made solely with the aim, purpose, and desire of  
20 acquiring domination and control over the followers of said movement;  
21 that subsequent to any such meeting in which the defendants represented  
22 that divine entities would appear in physical form, which appearance  
23 in fact never occurred, the defendants, and each of them, would lull  
24 the followers of said movement into blind belief that said divine  
25 entities had failed to appear because of an alleged lack of harmony  
26 existing among the followers of said movement present at said pro-  
27 claimed time for appearance;

28         26. That the said defendants falsely represented that a  
29 cataclysm or the end of the world was approaching within the life span  
30 of persons now living and that there was no necessity to provide for  
31 the future or to save money or other things of value possessed by the  
32 persons intended to be defrauded and that in lieu thereof the followers

1 of said movement should withdraw their funds from banks, life insurance  
2 companies, and other financial institutions accepted by normal persons  
3 as safe places for the deposit of their money, and should turn said  
4 moneys over to the defendants in the form of so-called "love gifts" to  
5 be made directly to the defendants or to corporations above named,  
6 owned, controlled, and dominated by the defendants; that the said de-  
7 fendants had no reason to believe that the end of the world or a  
8 cataclysm was about to occur but made such representations as a part  
9 of their program to command implicit and unquestioning obedience of  
10 their followers;

11 27. That the defendants, and each of them, falsely repre-  
12 sented by and through their teachings, both oral and written, that  
13 absolute sex continence should be had by their followers notwith-  
14 standing that many of said followers were happily married persons of  
15 normal condition, representing that the need of such continence was  
16 because all of the energies of said followers should be employed in  
17 the giving of alleged "decrees" and in the promulgation and following  
18 of said movement, and there was no time left for the rearing of children;  
19 that if any of such followers did not obey such command requiring abso-  
20 lute sex continence that they would be condemned, "annihilated and  
21 blasted," and expelled from said movement under the fear and decree  
22 of eternal damnation; that by reason of such teachings many of the  
23 followers of said movement separated and divorced and practiced such  
24 sex continence; that the defendants, and each of them, counseled that  
25 divorce should be had among the followers of said movement notwithstand-  
26 ing the fact that children of tender years of said followers were de-  
27 pendent upon the maintenance of a happy home life for their welfare  
28 and education, and defendants did by their teachings cause the breaking  
29 up of homes among many of their followers; whereas in truth and in  
30 fact the defendants, and each of them, well knew that the representations  
31 made requiring sex continence among the married followers of said move-  
32 ment so that all of their energies could be devoted to said movement

1 had no foundation in truth and in fact and were false and fraudulent;

2 28. That the defendants, and each of them, represented that,  
3 by following the teachings and principles of the "I Am" movement, there  
4 would be accorded to those persons accepting said doctrines and teach-  
5 ings a condition of harmony or benevolence and kindness toward man-  
6 kind that would prevent any of said followers from having ill thoughts  
7 or manifesting belligerent action toward their fellow men; that all  
8 outward expressions would be kindly and harmonious toward all mankind,  
9 and that an Utopian state would prevail; whereas in truth and in fact  
10 the defendants, and each of them, well knew the teachings of said move-  
11 ment could not impart such harmonious characteristics among those who  
12 accepted said teachings, but that the followers thereof would be sub-  
13 jected to normal spirits of temper and animosity toward their fellow  
14 men; and in truth and in fact the defendants, and each of them, during  
15 the periods set forth in this indictment bitterly quarreled among them-  
16 selves, used vile and abusive language toward each other, and have  
17 exhibited a vindictive and belligerent attitude toward those who criti-  
18 cized the precepts or doctrines promulgated by the defendants and have  
19 threatened persons with bodily harm, have engaged in physical fights  
20 among one another and with persons who were not followers of said  
21 movement, and have failed to exemplify a harmonious or brotherly love  
22 attitude toward the public in general;

23 29. That the defendants falsely represented that any person  
24 who criticized or questioned the teachings of the defendants, and each  
25 of them, would be denounced or punished by "ascended masters" and  
26 would thereby create fear, confusion, and obedience among the followers  
27 of said movement; whereas in truth and in fact the defendants, and each  
28 of them, well knew that said criticism or questioning of the teachings  
29 of said movement would not be punished by "ascended masters" and also  
30 not denounced by alleged "ascended masters";

31 30. That all of said representations, pretenses, and promises  
32 were made, or caused to be made, by the defendants to the said persons

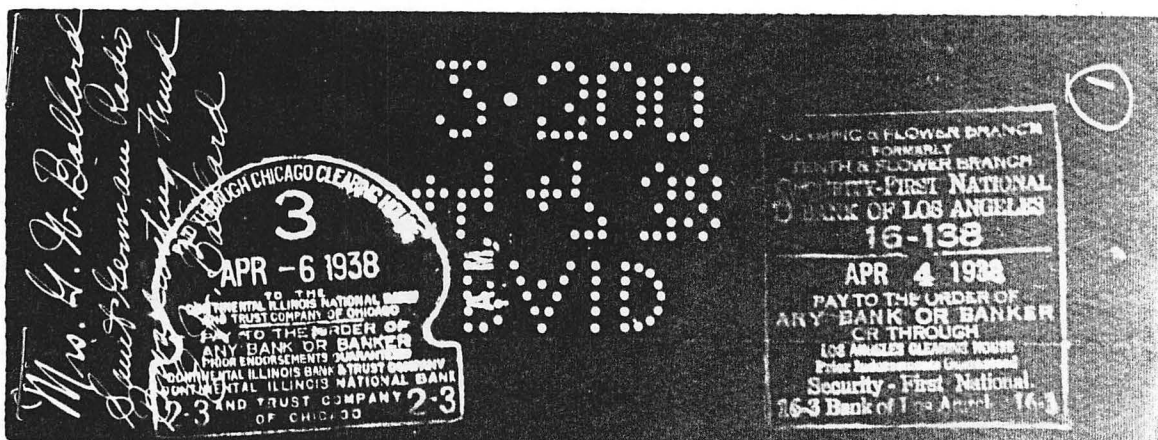
1 intended to be defrauded, and as a part of the said scheme and artifice  
2 to defraud the said persons intended to be defrauded, as aforesaid;  
3 that said representations, pretenses, and promises were made, and  
4 caused to be made by said defendants to said persons intended to be de-  
5 frauded through, and by means of, certain oral statements, books, maga-  
6 zines, letters, radio broadcasts, writings, and papers so worded, con-  
7 structed and expressed as to deceive, and they were then and there in-  
8 tended to deceive the said persons intended to be defrauded, and any  
9 person who might hear or receive them, which oral statements, books,  
10 magazines, letters, radio broadcasts, writings, and papers are too  
11 numerous and too voluminous to be set forth in this indictment, and for  
12 that reason the grand jurors aforesaid omit the same;

13         31. At the time of making all of the aforealleged representa-  
14 tions by the defendants, and each of them, the defendants, and each of  
15 them, well knew that all of said aforementioned representations were  
16 false and untrue and were made with the intention on the part of the  
17 defendants, and each of them, to cheat, wrong, and defraud persons in-  
18 tended to be defrauded, and to obtain from persons intended to be de-  
19 frauded by the defendants, money, property, and other things of value  
20 and to convert the same to the use and the benefit of the defendants,  
21 and each of them; and the defendants intended to and did, in fact, by  
22 reason of the aforementioned representations, enrich themselves from  
23 the class of persons above described as the persons intended to be  
24 defrauded and obtain money, property, and other things of value which  
25 the defendants, and each of them, intended to and did convert to them-  
26 selves under the guise and pretense of salaries, loans, bonuses, "love  
27 gifts", donations, expensive and luxurious living accommodations, and  
28 expensive traveling facilities;

29         That the defendants, on or about March 22, 1938, then having  
30 devised the said scheme and artifice, for the purpose of executing the  
31 same and attempting so to do, at Los Angeles, County of Los Angeles,  
32 state, division and district aforesaid, and within the jurisdiction of



the United States and of this Honorable Court, unlawfully and feloniously did knowingly cause to be delivered by mail according to the directions thereon, a certain check in a postpaid envelope addressed to ALLIED ADVERTISING AGENCIES, INC., at Los Angeles, California, which said check had theretofore been deposited in the Post Office Establishment of the United States for mailing and delivery, and which said check was thereafter delivered to said addressee by the Post Office Establishment of the United States at such address, and within the Central Division of the Southern District of California, and within the jurisdiction of the United States and of this Honorable Court, and which said check was of the following tenor, to-wit:



Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

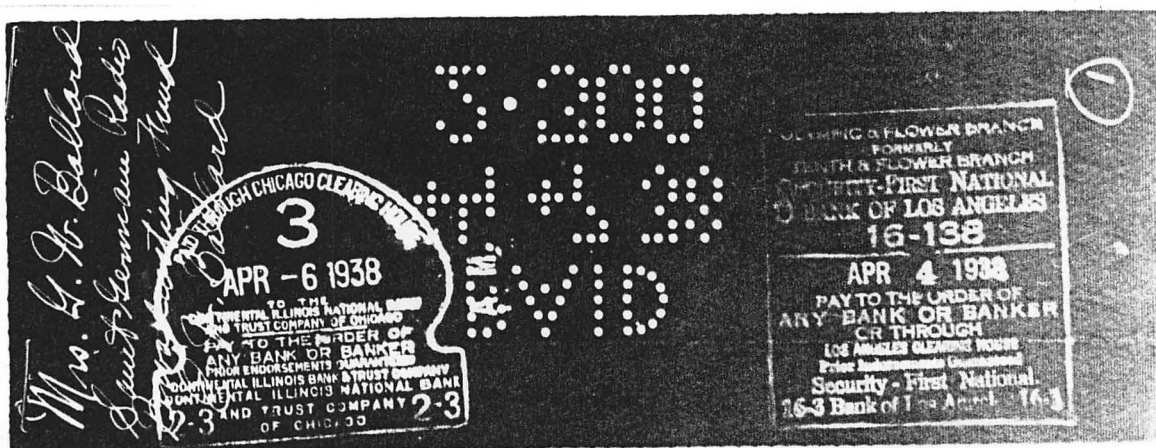
1 SECOND COUNT

2 And the grand jurors aforesaid, upon their oath aforesaid,  
3 do further present:

4 That they do reallege and incorporate herein, as if again  
5 set forth at length, all of the allegations of the first count of this  
6 indictment, except those allegations alleging the mailing of the  
7 check referred to in said count and therein described:

8 That the defendants, on or about December 20, 1938, then  
9 having devised the said scheme and artifice, for the purpose of  
10 executing the same and attempting so to do, at Los Angeles, County of  
11 Los Angeles, state, division and district aforesaid, and within the  
12 jurisdiction of the United States and of this Honorable Court, un-  
13 lawfully and feloniously did knowingly cause to be delivered by mail  
14 according to the directions thereon, a certain check in a postpaid  
15 envelope addressed to MRS. G. W. BALLARD, at Los Angeles, California,  
16 which said check had theretofore been deposited in the Post Office  
17 Establishment of the United States for mailing and  
18 delivery, and which said check was thereafter delivered to said  
19 addressee by the Post Office Establishment of the United States at  
20 such address, and within the Central Division of the Southern Dis-  
21 trict of California, and within the jurisdiction of the United States  
22 and of this Honorable Court, and which said check was of the follow-  
23 ing tenor, to-wit:

the United States and of this Honorable Court, unlawfully and feloniously did knowingly cause to be delivered by mail according to the directions thereon, a certain check in a postpaid envelope addressed to ALLIED ADVERTISING AGENCIES, INC., at Los Angeles, California, which said check had theretofore been deposited in the Post Office Establishment of the United States for mailing and delivery, and which said check was thereafter delivered to said addressee by the Post Office Establishment of the United States at such address, and within the Central Division of the Southern District of California, and within the jurisdiction of the United States and of this Honorable Court, and which said check was of the following tenor, to-wit:



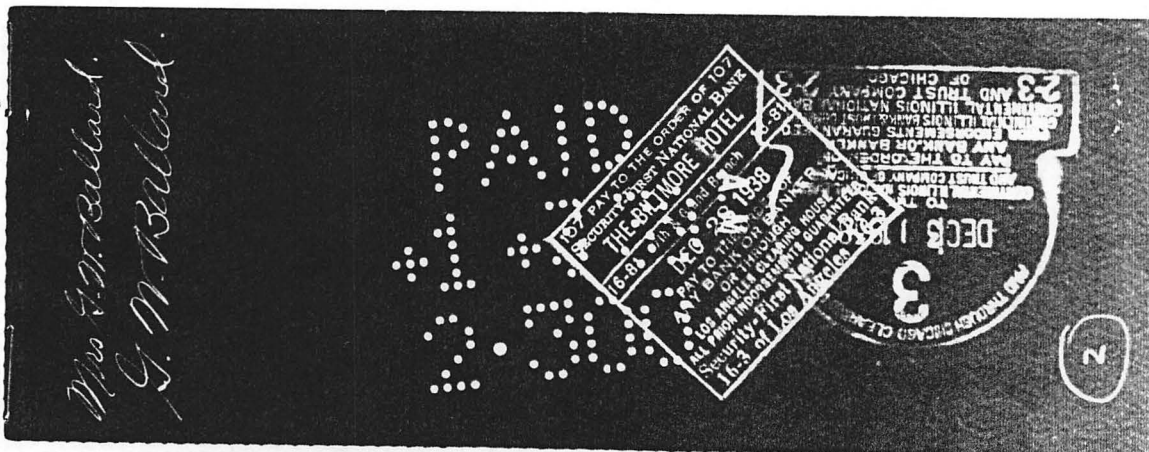
Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

SECOND COUNT

And the grand jurors aforesaid, upon their oath aforesaid,  
do further present:

That they do reallege and incorporate herein, as if again  
set forth at length, all of the allegations of the first count of this  
indictment, except those allegations alleging the mailing of the  
check referred to in said count and therein described:

That the defendants, on or about December 20, 1938, then  
having devised the said scheme and artifice, for the purpose of  
executing the same and attempting so to do, at Los Angeles, County of  
Los Angeles, state, division and district aforesaid, and within the  
jurisdiction of the United States and of this Honorable Court, un-  
lawfully and feloniously did knowingly cause to be delivered by mail  
according to the directions thereon, a certain check in a postpaid  
envelope addressed to MRS. G. W. BALLARD, at Los Angeles, California,  
which said check had theretofore been deposited in the Post Office  
Establishment of the United States for mailing and  
delivery, and which said check was thereafter delivered to said  
addressee by the Post Office Establishment of the United States at  
such address, and within the Central Division of the Southern Dis-  
trict of California, and within the jurisdiction of the United States  
and of this Honorable Court, and which said check was of the follow-  
ing tenor, to-wit:



Contrary to the form of the statute in such case made and  
provided and against the peace and dignity of the United States of  
America.

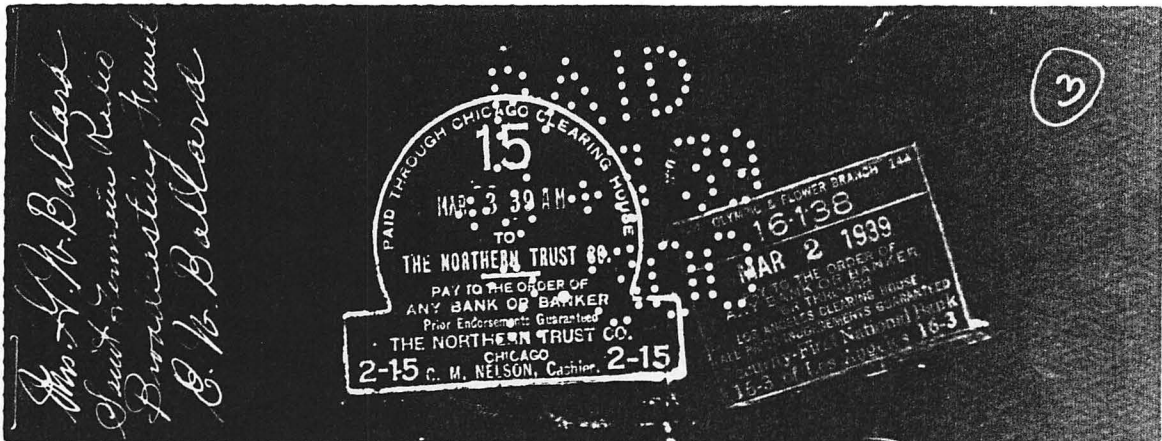
THIRD COUNT

And the grand jurors aforesaid, upon their oath aforesaid,  
do further present:

That they do reallege and incorporate herein, as if again  
set forth at length, all of the allegations of the first count of this  
indictment, except those allegations alleging the mailing of the check  
referred to in said count and therein described:

That the defendants, on or about February 21, 1939, then  
having devised the said scheme and artifice, for the purpose of  
executing the same and attempting so to do, at Los Angeles, County  
of Los Angeles, state, division and district aforesaid, and within  
the jurisdiction of the United States and of this Honorable Court,  
unlawfully and feloniously did knowingly cause to be delivered by  
mail, according to the directions thereon, a certain check in a post-  
paid envelope addressed to ALLIED ADVERTISING AGENCIES, INC., at Los  
Angeles, California, which said check had theretofore been deposited in  
the Post Office Establishment of the United States for mailing and  
delivery, and which said check was thereafter delivered to said  
addressee by the Post Office Establishment of the United States at  
such address, and within the Central Division of the Southern District  
of California, and within the jurisdiction of the United States and  
of this Honorable Court, and which said check was of the following  
tenor, to-wit:





Contrary to the form of the statute in such case made and  
provided and against the peace and dignity of the United States of  
America.

FOURTH COUNT

And the grand jurors aforesaid upon their oath aforesaid  
do further present:

That they do reallege and incorporate herein, as if again  
set forth at length, all of the allegations of the first count of  
this indictment, except those allegations alleging the mailing of  
the check referred to in said count and therein described:

That the defendants, on or about April 8, 1939, then  
having devised the said scheme and artifice in said first count de-  
scribed, for the purpose of executing the same and attempting so to  
do, at Los Angeles, County of Los Angeles, state, division and dis-  
trict aforesaid, and within the jurisdiction of the United States  
and of this Honorable Court, unlawfully and feloniously did knowingly  
place and cause to be placed in the United States Post Office at Los  
Angeles, County of Los Angeles, State of California, to be sent and  
delivered by the Post Office Establishment of the United States  
according to the directions thereon, a certain check in a postpaid  
envelope addressed to the UPTOWN STATE BANK, Broadway and Lawrence,  
Chicago, State of Illinois, and which check was of the following  
tenor, to-wit:



FIFTH COUNT

And the grand jurors aforesaid upon their oath aforesaid  
do further present:

That they do reallege and incorporate herein, as if again  
set forth at length, all of the allegations of the first count of  
this indictment, except those allegations alleging the mailing of  
the check referred to in said count and therein described:

That the defendants, on or about January 24, 1939, then  
having devised the said scheme and artifice in said first count de-  
scribed, for the purpose of executing the same and attempting so to  
do, at Los Angeles, County of Los Angeles, state, division and dis-  
trict aforesaid, and within the jurisdiction of the United States  
and of this Honorable Court, unlawfully and feloniously did knowingly  
place and cause to be placed in the United States Post Office at Los  
Angeles, County of Los Angeles, State of California, to be sent and  
delivered by the Post Office Establishment of the United States  
according to the directions thereon, a certain letter in a postpaid  
envelope addressed to MR. AND MRS. ARTHUR BLISS, 7389 North Damen  
Avenue, Chicago, Illinois, and which letter was of the following  
tenor, to-wit:



Mr. & Mrs. Arthur Bliss  
7389 N. Damen Ave.,  
Chicago, Ill.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

Contrary to the form of the statute in such case made and  
provided and against the peace and dignity of the United States of  
America.

SIXTH COUNT

And the grand jurors aforesaid upon their oath aforesaid  
do further present:

That they do reallege and incorporate herein, as if again  
set forth at length, all of the allegations of the first count of this  
indictment, except those allegations alleging the mailing of the check  
referred to in said count and therein described:

That the defendants, on or about October 31, 1939, then  
having devised the said scheme and artifice, for the purpose of exe-  
cuting the same and attempting so to do, at Los Angeles, County of  
Los Angeles, state, division and district aforesaid, and within the  
jurisdiction of the United States and of this Honorable Court, unlaw-  
fully and feloniously did knowingly cause to be delivered by mail  
according to the directions thereon, a certain letter signed in typing  
"SAINT GERMAIN", in a postpaid envelope addressed to MR. HARRY N. ROGERS,  
353 Van Ness Avenue, Los Angeles, California, which said letter had  
theretofore been deposited in the Post Office Establishment of the  
United States for mailing and delivery, and which said letter was  
thereafter delivered to said addressee by the Post Office Establishment  
of the United States at such address, and within the Central Division  
of the Southern District of California, and within the jurisdiction  
of the United States and of this Honorable Court, and which said letter  
was of the following tenor, to-wit:



PHILADELPHIA'S FOREMOST HOTEL

THE BENJAMIN FRANKLIN

CHESTNUT AT NINTH STREET

PHILADELPHIA

Oct. 31, 1939.

Mr. Harry N. Rogers,  
353 VanNess Ave.,  
Los Angeles, Calif.

Mr. Rogers:

In continuing your Group, it must be understood that Sanat Kumara, the Divine Director and Myself release all the students from their promise to stand by your Group. That was only intended to be while you were serving on the Staff of the Messengers.

Since you are there, you must take the full responsibility in your call to your "Mighty I AM Presence" for your money supply.

Not one dime more shall be contributed to Catherine Rogers or Virginia LaFerrera's support by the students. Any student who does this against My Wish automatically dis-misses himself or herself from this Light!

All Love Gifts for the Group Leaders' Letter, which will soon be under way again must be sent to the Saint Germain Press, P.O. Box 1133, Chicago, Illinois.

All Love Gifts for the preparation and conducting of the coming Los Angeles Class at the Shrine Auditorium, for the stage, flowers, decorations, expenses, etc. must be handed or sent to the group of individuals selected for that purpose to carry out the direction of Ratana and Sindelars, whom I have selected to take charge of the coming Class in Los Angeles.

Copies of this letter will be sent to Ratana and the Sindelars. I ask you and them to read it at three consecutive Group Meetings immediately upon your receiving it, so all may understand My Wishes.

SAINT GERMAIN

A UNITED HOTEL

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

SEVENTH COUNT

And the grand jurors aforesaid upon their oath aforesaid  
do further present:

That they do reallege and incorporate herein, as if again  
set forth at length, all of the allegations of the first count of this  
indictment, except those allegations alleging the mailing of the check  
referred to in said count and therein described:

That the defendants, on or about January 9, 1939, then hav-  
ing devised the said scheme and artifice in said first count described,  
for the purpose of executing the same and attempting so to do, at Los  
Angeles, County of Los Angeles, state, division and district aforesaid,  
and within the jurisdiction of the United States and of this Honorable  
Court, unlawfully and feloniously did knowingly place and cause to be  
placed in the United States Post Office at Los Angeles, County of Los  
Angeles, State of California, to be sent and delivered by the Post  
Office Establishment of the United States according to the directions  
thereon, a certain letter in a postpaid envelope addressed to MRS.  
MARGARET PETTIT, Chicago, Illinois, and which letter was of the follow-  
ing tenor, to-wit:

BABON LONG (1938-1941)  
CHARLES HADY (1941-1942)  
EDWARD N. BERNARD (1942-1943)

THE BILTMORE HOTEL  
LOS ANGELES



January 9, 1939

Mrs. Margaret Pettit:

I have watched, waited and tried to  
bless you for many many months; but since you are more  
and more determined to condemn the Messengers and join  
others to destroy This Work, it compels Me to dismiss you  
as a Messenger of This Light.

This means that you will no longer have the Radiation of  
Myself or any of the Ascended Beings, until such time as  
you correct this condition within you.

What a pity you cannot see that you are destroying yourself  
and all of the splendid work you have done and could do  
in the future. Since this is your choice I withdraw My  
Assistance and Association.

May the Great Light within you enable you to see your mistakes  
and correct them. Kindly return the letters of your

Messengership to the Messengers, Mr. and Mrs. Ballard,

In the Service of the Light,

SAINT GERMAIN

SEE AMERICA FIRST

Contrary to the form of the statute in such case made and  
provided and against the peace and dignity of the United States of  
America.

EIGHTH COUNT

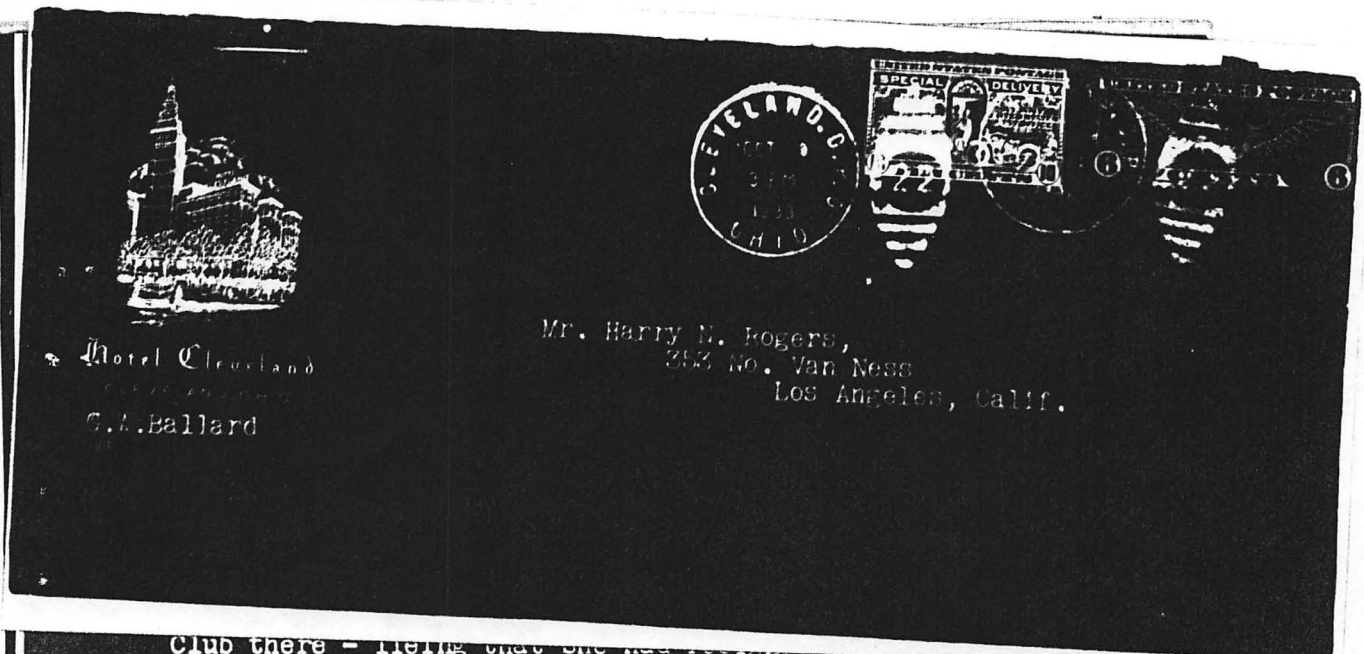
And the grand jurors aforesaid upon their oath aforesaid do further present:

That they do reallege and incorporate herein, as if again set forth at length, all of the allegations of the first count of this indictment, except those allegations alleging the mailing of the check referred to in said count and therein described:

That the defendants, on or about October 19, 1939, then having devised the said scheme and artifice, for the purpose of executing the same and attempting so to do, at Los Angeles, County of Los Angeles, state, division and district aforesaid, and within the jurisdiction of the United States and of this Honorable Court, unlawfully and feloniously did knowingly cause to be delivered by mail according to the directions thereon, a certain letter in a postpaid envelope addressed to MR. HARRY N. ROGERS, 353 N. Van Ness Avenue, Los Angeles, California, which said letter had theretofore been deposited in the Post Office Establishment of the United States for mailing and delivery, and which said letter was thereafter delivered to said addressee by the Post Office Establishment of the United States at such address, and within the Central Division of the Southern District of California, and within the jurisdiction of the United States and of this Honorable Court, and which said letter was of the following tenor, to-wit:



1  
2  
3



Club there - lying that she had been  
being dismissed.

Catherine went to the Hammond Organ Company in Los Angeles and tried to spread vicious lies there, but is not succeeding any place in getting anyone to believe them.

You have been hoping and decreeing that Catherine come back into this Light and Groups. She will never come back in a thousand years. Saint Germain gave her the opportunity to be silent, which she refused to do, gathering students about her at the Cafeteria to try to injure us by her vicious lies. You told me she was not doing this when you sat at the table with others at various times and heard her doing it. You cannot be loyal to the Light and do this. Don't ask me to ever again believe one word of good about either Catherine or Virginia. It is not in them.

Vinton has not kept one word of his promises of which you told me.

It is absolutely impossible for you to go on with your Groups with that treacherous creature in your midst. I am sure it is much better for you to close your Groups, until such time as you cut yourself free from such influence, if you should ever wish to do so.

Don't blame people who dislike Catherine when they know the treachery she is practicing and that of Virginia.

30 Contrary to the form of the statute in such case made and  
31 provided and against the peace and dignity of the United States of  
32 America.

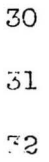


NINTH COUNT

And the grand jurors aforesaid upon their oath aforesaid  
do further present:

That they do reallege and incorporate herein, as if again  
set forth at length, all of the allegations of the first count of  
this indictment, except those allegations alleging the mailing of  
the check referred to in said count and therein described:

That the defendants, on or about November 16, 1939, then  
having devised the said scheme and artifice, for the purpose of exe-  
cuting the same and attempting so to do, at Sierra Madre, County of  
Los Angeles, state, division and district aforesaid, and within the  
jurisdiction of the United States and of this Honorable Court, unlaw-  
fully and feloniously did knowingly cause to be delivered by mail  
according to the directions thereon, a certain letter in a postpaid  
envelope addressed to BLESSED PORTIA, at Sierra Madre, California,  
which said letter had theretofore been deposited in the Post Office  
Establishment of the United States for mailing and delivery, and  
which said letter was thereafter delivered to said addressee by the  
Post Office Establishment of the United States at such address, and  
within the Central Division of the Southern District of California,  
and within the jurisdiction of the United States and of this Honorable  
Court, and which said letter was of the following tenor, to-wit:



72

TENTH COUNT

And the grand jurors aforesaid upon their oath aforesaid do further present:

That they do reallege and incorporate herein, as if again set forth at length, all of the allegations of the first count of this indictment, except those allegations alleging the mailing of the check referred to in said count and therein described:

That the defendants, on or about August 7, 1939, then having devised the said scheme and artifice, for the purpose of executing the same and attempting so to do, at West Los Angeles, County of Los Angeles, state, division and district aforesaid, and within the jurisdiction of the United States and of this Honorable Court, unlawfully and feloniously did knowingly cause to be delivered by mail according to the directions thereon, a certain letter in a postpaid envelope addressed to MRS. PORTIA TERRY, 15 Vista Circle Drive, Sierra Madre, California, which said letter had theretofore been deposited in the Post Office Establishment of the United States for mailing and delivery, and which said letter was thereafter delivered to said addressee by the Post Office Establishment of the United States at such address, and within the Central Division of the Southern District of California, and within the jurisdiction of the United States and of this Honorable Court, and which said letter was of the following tenor, to-wit:



"I AM" Reading Room,  
1711 M St. N.W.,  
Washington, D.C.  
Aug. 7, 1939.

Dear Portia:

Just to say that your great kindness to us while we were in Los Angeles is appreciated more than we can say. You have always been so very sweet to the two of us, particularly so on this our latest trip. We do not know when we will be ever able to catch on our indebtedness to you.

Possibly when you come back East with the Ballards this Fall you can be with us in our own little home. We will be most glad to have you bless our home with your lovely radiation. So please plan your trip accordingly.

We know that you and Daddy had a lovely birthday party on the 28th of July, and our thoughts were with you all, especially about 6 o'clock your time, at which hour we felt so very close to you all. If we had been in California we couldn't have felt any closer to you than we did at that time. It was just as tho' we were all together as one lovely harmonious crowd.

We know also that you had a lovely time on Marjorie's birthday several days ago. We should have loved to have been with you in person, but you may be sure that we were thinking of you and your lovely daughter all day long. We have a great love for both of those precious children, and our love and respect for Donald was greatly increased on this trip. Bond will never forget the lovely breakfast he had with Donald, Paul, Brother Bill and Mike Gallagher on Sunday morning, July 16th, after the Minute Men Meeting. They all tho't that we were very silent, but it was due to the desire to listen more to Donald than to speak ourselves. The wonderful knowledge which Donald gave at that time, we shall never be able to forget. While Donald was speaking, we noticed undivided attention which both Paul and Brother Bill gave to the wonderful words which came from that child. We have never ceased to wonder at the seemingly exhaustless reservoir of information which Donald is.

We are glad to know that all seeming obstructions have been removed from your pathway and that you can now go forward in peace, happiness and harmony to your eternal victory. We love you and bless you forever, and commend you to the great blessings of your "Mighty I AM Presence".

With all our love,

*Ballie and Bond*

n

28

29

30

31

32

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.



JAMES R. ARMSTRONG  
CHARLES H. CARR  
W. I. GILBERT, JR.  
AMES PETERSON  
458 South Spring Street  
Los Angeles, California  
Michigan 2808

IN THE DISTRICT COURT OF THE UNITED STATES  
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
CENTRAL DIVISION

UNITED STATES OF AMERICA

-vs-

EDNA W. BALLARD, ET AL.

No. 14496-Y

DEFENDANTS' REQUESTED  
INSTRUCTIONS

Come now the defendants in the above entitled  
case now on trial and request the court to give the following  
instructions to the jury.

*Charles H. Carr*

*Ames Peterson*

*J. R. Armstrong*  
*W. I. Gilbert Jr.*



Government's Proposed Instruction No. \_\_\_\_\_

As I have heretofore explained to you on several occasions the Constitution of the United States, namely the first amendment, states in substance as follows:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; \* \* \* "

Notwithstanding the fact that by law one's individual freedom of worship can not be challenged, it is also true that all persons in this country including the leaders or formers of any philosophical movement, activity, or religion, are subject to the federal laws the same as any other person and this, of course, includes that statute of the United States forbidding the use of the mails in the execution of a scheme to defraud.

And I charge you that even though a person or persons are advocating a religious activity that they must do so in good faith and without making any substantial misrepresentations with the intent to deceive. In other words, religion can not be utilized as a cloak or as a vehicle for the perpetration of a fraud in violation of the United States law or, as it might be said in other words, while legislation restricting the free exercise of any person's religion is forbidden, it does not follow that everything done on the subject matter of religion can go unpunished in the event those making false representations which they do not believe in good faith.

It is for you to say, therefore, in this case, from all the facts and circumstances, whether the defendants, one, either, or all of them entered into or devised a scheme or artifice for the purpose of defrauding those who could be induced to buy the books and other articles they offered for sale or who could be induced to give money or other things of value to the defendants as charged in the indictment, or whether the defendants acted in good faith.



1           The defendants are not on trial for involving or devising an  
2 improvident or impractical scheme even though you should find their  
3 activity or movement to be such. Nor are the defendants on trial for  
4 mere errors of judgment nor are they on trial for devising a new  
5 religion, if it be such, with whose tenets you may not agree. The  
6 question here is not, in so far as the particular doctrines taught by  
7 the defendants are concerned, whether or not those doctrines are  
8 sound, or even plausible, but whether or not they were promulgated in  
9 good faith and not for the purpose of fraudulently obtaining money  
10 from others.

11           If, in promulgating those doctrines, even though the defendants  
12 received money therefor and used the money as charged, if the  
13 defendants were acting in good faith they were not as to them engaged  
14 in a scheme to defraud. If you have reasonable doubt as to whether  
15 or not the defendants were acting in good faith you should acquit  
16 them or those of them whom you find may have acted in good faith.

17  
18           Crane v. United States, 259 Fed. 480 CCA9  
19           New v. United States, 245 Fed. 710, Ninth Cir.  
20  
21  
22  
23  
24  
25  
26

27           Given as requested \_\_\_\_\_

28           Given as modified \_\_\_\_\_

29           Refused \_\_\_\_\_

30  
31           \_\_\_\_\_  
32           United States District Judge



1  
2  
3  
4  
5  
6 You are instructed that if the defendants' acts  
7 in writing the letters were as fairly consistent with  
8 innocence as with an intent to defraud, then your verdict  
9 should be not guilty.  
10

11 Stryker v. United States,  
12 10 Cir., 95 F. (2d) 601, 604.  
13  
14

15  
16 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_.  
17  
18

19 Given: \_\_\_\_\_  
20

21 Refused: \_\_\_\_\_  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

1



1  
2  
3  
4  
5  
6  
7  
8        You are instructed that the indictment in this  
9 case involves questions as to the beliefs and intentions  
10 of the defendants. Every man and woman has the right to  
11 believe what he or she chooses to believe. And one who  
12 holds any belief may engage in any effort founded upon it  
13 unless he violates some specific law. The ultimate question  
14 of fact before this jury is as to the good faith of the  
15 defendants and that question involves their belief in their  
16 representations and promises, if such were made. Therefore,  
17 if you find that the defendants made representations and you  
18 find that such representations were false, but that the  
19 defendants in good faith believed in such representations  
20 and had no intention to defraud, you must acquit them. It  
21 matters not if the defendants' beliefs are ridiculous or  
22 baseless in fact so long as they acted in good faith.

23                    Post v. United States  
24                    5 Cir., 135 F. 1, 9.

25  
26 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_  
27

28                    Given: \_\_\_\_\_  
29

30                    Refused: \_\_\_\_\_  
31  
32



Government's Proposed Instruction No. \_\_\_\_\_

You are instructed "That although a man might not be charged for his honest beliefs, however imbecile they might be, it was not necessary to show that he disbelieved what he said. Some utterances are in such form as to imply knowledge at first hand, and the utterer may be liable, even though he believes them, if he has no knowledge on the subject. And all unconditional utterances, intended to be taken seriously, imply at least a belief, and, if the utterer does not believe them, they are false, though his mind be quite indeterminate as to their truth."

Knickerbocker et al. v. United States,  
13 F.(2) 544 (2nd Cir.) p. 546.

Given as requested \_\_\_\_\_

Given as modified \_\_\_\_\_

Refused \_\_\_\_\_

\_\_\_\_\_  
United States District Judge



Government's Proposed Instruction No. \_\_\_\_\_

You are instructed that there can be an honest, though mistaken, judgment of the future from existing conditions. But there can also be alluring suggestions and predictions of what will come to pass, put forth without reasonable warrant, with the fraudulent intent to profit by inducing reliance upon such representations made by the defendants among those who are credulous and uninformed. In other words, the statute pertaining to mail fraud not only refers to actual misrepresentations as to some existing fact but includes representations of allurement of a specious and glittering promise.

Durland v. U. S., 161 U.S. p. 306, at p. 314.

Given as requested \_\_\_\_\_

Given as modified \_\_\_\_\_

Refused \_\_\_\_\_

\_\_\_\_\_  
United States District Judge.

5 ✓



1  
2  
3  
4  
5  
6  
7  
8 If you can reconcile the evidence before you upon  
9 any reasonable hypothesis consistent with the defendants'  
10 innocence you must do so, and in that case, find such defendant  
11 not guilty. You cannot find a defendant guilty unless the  
12 evidence before you is inconsistent with and excludes every  
13 other reasonable hypothesis except that of guilt. The hypothesis  
14 of guilt should flow naturally from facts proved, and be con-  
15 sistent with them all. You cannot find a defendant guilty unless  
16 the testimony in the case convinces you of his or her guilt as  
17 charged beyond a reasonable doubt.  
18  
19  
20  
21  
22  
23  
24  
25  
26

27 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_  
28

29 Given: \_\_\_\_\_  
30

31 Refused: \_\_\_\_\_  
32



Government's Proposed Instruction No. \_\_\_\_\_

You are instructed that with respect to the various letters the Government charges the defendants mailed or caused to be delivered as is set out in the now seventeen substantive counts of the indictment (Count 10 having been dismissed) it is not necessary to constitute the offense that the Government must show that the letters so mailed were of a nature calculated to be effective in carrying out the fraudulent scheme.

It is enough if, having devised a scheme to defraud, the defendant or either of them with a view of executing the scheme deposits in the mail letters which one or either of the defendants who is a party to such scheme thinks may assist in carrying it into effect although in your judgment the letters themselves may be absolutely ineffective therefor.

In other words, the letters themselves do not have to be in the nature of solicitation nor is it necessary to show that the contents of the letters, magazines, or writings mailed, were in fact of a nature calculated to be effective in carrying out the fraudulent plan; it is sufficient if, having devised a scheme or artifice to defraud, the defendants deposited or caused to be deposited in the United States mails the letters or writings with the thought and intent that they would assist in the carrying of the scheme into effect.

If a defendant or the defendants are found by you to have deposited the letters, circulars, magazines or other matters described in the indictment, in the mail, each defendant is responsible therefor regardless of which defendant actually mailed the letter or caused it to be mailed, provided such defendants were parties to the scheme to defraud, as charged at the time any such letters were mailed or

(over)

16



Government's Proposed Instruction No. \_\_\_\_\_

You are instructed that it is no excuse or defense to those on trial that others not on trial or not indicted appear from the evidence to be implicated in the scheme alleged in the indictment. You are to consider the guilt or innocence of those on trial without regard to the culpability of others not on trial.

Given as requested \_\_\_\_\_

Given as modified \_\_\_\_\_

Refused \_\_\_\_\_

\_\_\_\_\_  
United States District Judge.

2 ✓



1  
2  
3  
4  
5  
6           You are not required in determining this case  
7 to decide as to the truth or falsity of any of the alleged  
8 manifestations, divine dictations and visitations or super-  
9 natural appearances. The question for your decision is the  
10 good faith of the defendants' belief in the same. Further-  
11 more, you should not determine the good faith of these  
12 defendants and their beliefs in such manifestations, divine  
13 dictations and visitations or supernatural appearances  
14 upon your own notions, theories, ideas or beliefs. As  
15 jurors you can only act upon evidence introduced during the  
16 trial and from that and that alone you can form your verdict.  
17  
18  
19

20 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_  
21  
22  
23

24 Given: \_\_\_\_\_  
25

26 Refused: \_\_\_\_\_  
27  
28  
29  
30  
31  
32

1 hereinafter more particularly set forth, solicit, induce, encourage,  
2 persuade and entice the persons to be defrauded to become members and  
3 followers of the said "I Am" movement.

4 2. It was a further part of the said scheme and artifice to  
5 defraud that the defendants would and did form, organize, dominate and  
6 control a corporation designated and known as the Saint Germain Founda-  
7 tion, an Illinois corporation, and that the defendants would and did  
8 arrange for the election of the defendants Donald Ballard, as president,  
9 Paul Potter, as vice-president, and Edna W. Ballard as secretary and  
10 treasurer of the said Saint Germain Foundation.

11 3. It was a further part of the said scheme and artifice to  
12 defraud that the defendants by means of false and fraudulent repre-  
13 sentations, pretenses and promises, and devices, hereinafter more  
14 particularly set forth, would and did solicit, induce, encourage, per-  
15 suade and entice the persons intended to be defrauded to give, donate  
16 and contribute to the said Saint Germain Foundation sums of money and  
17 other things of value.

18 4. It was a further part of the said scheme and artifice to  
19 defraud that the defendants would and did form, organize, dominate and  
20 control a corporation known and designated as the Saint Germain Press,  
21 an Illinois corporation, and that the defendants would and did arrange  
22 for the election of the defendants Donald Ballard as president, Paul  
23 Potter as vice-president and Edna W. Ballard as secretary and treasurer  
24 of the said Saint Germain Press.

25 5. It was a further part of the said scheme and artifice to  
26 defraud that the defendants would and did by means of false and fraudu-  
27 lent representations, pretenses and promises, solicit, induce, encour-  
28 age, persuade and entice the persons to be defrauded to purchase from  
29 the said defendants various books, charts, pamphlets, magazines, and  
30 other written and printed matter published by the said Saint Germain  
31 Press.

32 6. It was a further part of said scheme and artifice to



Government's Proposed Instruction No. \_\_\_\_\_

1  
2  
3 You are instructed that it is not a defense for the defendants  
4 to show that the persons who purchased the books and other articles  
5 they offered to sell or who made contributions to one, either or all  
6 the defendants received a return for the money they so contributed,  
7 and that it is not essential to the commission of the offense covered  
8 by the mail fraud statute that there be on the part of the accused  
9 either expectation or realization of pecuniary gain to himself. It is  
10 enough if the accused be actuated by an intention to defraud the person  
11 to whom the false statements or representations are made.

12 Calnay v. U. S., 1 Fed. (2) 926, 9th Cir.

13 (In the above case the accused showed he only  
14 received \$27.50 of the \$5,237.00 he had  
15 secured from 5 persons.)

16 In other words, *it is not* necessary for the Government to show  
17 that the articles purchased by the various students or the general  
18 public were worthless, ~~as the extent of damage to the purchaser is not~~  
19 ~~an element of the crime.~~

20 Cowl v. U. S. 35 Fed. (2), 794 CCA (Neb.)  
U. S. v. New South Farm, et al., 241 U.S. 64.

21  
22  
23  
24  
25  
26  
27  
28 Given as requested \_\_\_\_\_

29 Given as modified ☒ \_\_\_\_\_

30 Refused \_\_\_\_\_

31 *Yankovich*  
32 \_\_\_\_\_  
United States District Judge.

NWN:GH  
7-1404

Government's Proposed Instruction No. \_\_\_\_\_

In this case if you find that the defendants or ~~any~~ of them devised a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent representations I charge you that if you should so find beyond a reasonable doubt that it is no defense for the defendants to say that all the moneys or properties they obtained were utilized in expenses and in carrying out the activity which they were sponsoring for the law forbids the devising of a scheme to defraud where as a part of such scheme the mails of the United States are utilized even though the defendants may have derived no personal profit and may have nothing left of that which they obtained. The offense is complete when the scheme has been devised for an unlawful purpose and the mails are utilized in furtherance thereof ~~even though~~ <sup>although</sup> the defendants ultimately may not have profited by virtue of their unlawful enterprise. (Insert)

~~Reverend~~ When the government  
~~Calney v. United States, 1 Fed. (2) 926, 9th Cir.~~  
~~Le More v. United States, 255 Fed. 687, 692 La.~~  
~~Certiorari denied 248 U.S. 586~~

~~experience~~  
offers to prove the material benefit derived by the defendants or any of them, such proof is accepted as bearing upon the intent of the defendants.

Given as requested \_\_\_\_\_  
Given as modified ☒  
Refused \_\_\_\_\_

~~Yankovich~~  
United States District Judge

~~From the existence of money is to be drawn from the existence of material benefit may draw whatever inference the law permits as to whether or not there was a scheme to defraud~~

Government's Proposed Instruction No. \_\_\_\_\_

You are instructed that with reference to the will of Mrs. Ballard which is dated in the month of June 1940, I permitted the introduction of a copy of this will upon the question of intent upon the part of Mrs. Ballard.

You are, however, further instructed that the law permits a person to revoke a will at any time. ~~In other words, the mere fact that a person executes a will today does not necessarily mean that that will can not be altered, changed, or revoked at some later date as that is the privilege of all persons with respect to the subject matter of a will.~~

Given as requested: \_\_\_\_\_

Given as modified: ☒ \_\_\_\_\_

Refused: \_\_\_\_\_

Yamwich  
United States District Judge

(11)



16  
17  
18  
19  
20  
21  
22  
23  
24  
25

26  
27  
28  
29  
30  
31  
32

Refused: \_\_\_\_\_



1  
2  
3  
4  
5  
6           You are instructed that Amendment I of the  
7 Constitution of the United States provides, "Congress shall  
8 make no law respecting an establishment of religion, or pro-  
9 hibiting the free exercise thereof." Therefore, the affirma-  
10 tive pursuit of one's conviction about the ultimate mystery of  
11 the universe and man's relation to it is placed beyond the reach  
12 of the law. The Government may not interfere with organized  
13 or individual expression of belief or disbelief. Propagation  
14 of belief or even of disbelief in the supernatural is protected  
15 whether in church or chapel, mosque, synagogue, tabernacle or  
16 meetinghouse. Likewise, the Constitution assures generous  
17 immunity to the individual from imposition of penalties for  
18 offending, in the course of his own religious activities, the  
19 religious views of others be they minority or those who are  
20 dominant in Government. Furthermore, because in safeguarding  
21 conscience we are dealing with interests so subtle and so dear,  
22 every possible leeway should be given to the claims of religious  
23 faith and you should acquit each defendant unless the Government  
24 has proved beyond a reasonable doubt and to a moral certainty  
25 that the defendants made the representations charged in the in-  
26 dictment and that the representations were false and made with  
27 a fraudulent intent.

28           Minersville School District v. Gobitis,  
29           60 S. Ct. 1010, 1012.

30 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_

31           Given: \_\_\_\_\_

32           Refused: \_\_\_\_\_



1  
2  
3  
4  
5 A witness false in one part of his, or her testimony,  
6 is to be distrusted in others; that is to say, the jury may  
7 reject the whole of the testimony of a witness who has willfully  
8 sworn falsely as to a material point; and the jury, being con-  
9 vinced that a witness has stated what was untrue, not as a  
10 result of mistake or inadvertence, but willfully and with the  
11 design to deceive, must treat all of his, or her testimony with  
12 distrust and suspicion, and reject all unless they shall be  
13 convinced that notwithstanding the base character of the witness,  
14 that he or she has in other particulars sworn to the truth.  
15  
16  
17  
18  
19  
20  
21  
22  
23

24 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_  
25  
26

27 Given: \_\_\_\_\_  
28

29 Refused: \_\_\_\_\_  
30  
31  
32



1  
2  
3  
4  
5  
6  
7  
8       You should not consider as evidence any statement of  
9 counsel made during the trial, unless such statement is made  
10 as an admission or stipulation conceding the existence of a  
11 fact, or facts. You have not to consider as evidence, or law,  
12 any argument, comment or suggestion made by counsel during the  
13 trial of this action.

14       Such statements, arguments, comments or suggestions  
15 are not evidence and must not be considered as such by you.  
16 You must not consider for any purpose any evidence offered and  
17 rejected, or which has been stricken out by the Court; such  
18 evidence that has been introduced before you and the inferences  
19 which you may deduce therefrom as stated in these instructions  
20 and upon the law as given you in these instructions.  
21  
22  
23  
24

25 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_  
26  
27

28                                   Given: \_\_\_\_\_  
29

30                                   Refused: \_\_\_\_\_  
31  
32



1  
2  
3  
4  
5  
6 The jury are the sole and exclusive judges of the  
7 effect and value of the evidence addressed to them and of the  
8 credibility of the witnesses who have testified in the case,  
9 and the character of the witnesses as shown by the evidence,  
10 should be taken into consideration, for the purpose of deter-  
11 mining their credibility and the fact as to whether they have  
12 spoken the truth. And the jury may scrutinize not only the  
13 manner of witnesses while on the stand, their relation to the  
14 case, if any, but also their degree of intelligence. A witness  
15 is presumed to speak the truth. This presumption, however, may  
16 be repelled by the manner in which he testified, his interest  
17 in the case, if any, or his bias or prejudice, if any, against  
18 one or any of the parties, by the character of his testimony,  
19 or by evidence affecting his character for truth and honesty  
20 or integrity or by contradictory evidence; and the jury are  
21 the exclusive judges of the credibility.

22 A witness may also be impeached by evidence that  
23 he made, at other times, statements inconsistent with his  
24 present testimony as to any matter material to the cause on  
25 trial, or that he has been convicted of crime.  
26  
27

28 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_.  
29

30 Given: \_\_\_\_\_

31 Refused: \_\_\_\_\_  
32

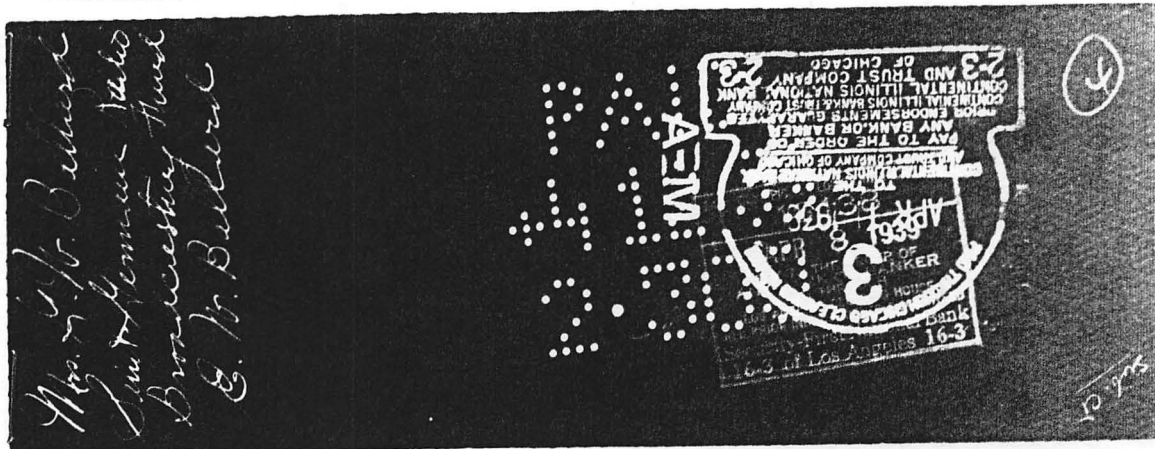


1  
2  
3  
4  
5  
6 If you can reconcile the evidence before you upon  
7 any reasonable hypothesis consistent with the defendants'  
8 innocence you should do so, and in that case, find such  
9 defendant not guilty. You cannot find a defendant guilty  
10 unless the evidence before you is inconsistent with and  
11 excludes every other reasonable hypothesis except that of  
12 guilt. The hypothesis of guilt should flow naturally from  
13 facts proved, and be consistent with them all. You cannot  
14 find a defendant guilty unless the testimony in the case  
15 convinces you of his or her guilt as charged beyond a  
16 reasonable doubt.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

27 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_  
28

29 Given: \_\_\_\_\_

30 Refused: \_\_\_\_\_  
31  
32



Contrary to the form of the statute in such case made and  
provided and against the peace and dignity of the United States of  
America.



HAROLD LONG, JR., THE  
CHARLES BRAD MANAGER, DIRECTOR  
EDWARD A. BERNARD, MANAGER

EC No 71-5

CABLE ADDRESS  
"LOS ANGELES" LOS ANGELES, CALIFORNIA

THE BILTMORE HOTEL  
LOS ANGELES



January 18, 1939

Mr. & Mrs. Arthur Bliss  
7389 N. Damen Ave.,  
Chicago, Ill.

Precious, Beloved Ones,

May the Full Activity of the Great Cosmic Light and Cosmic Love so permeate the consciousness of you and your beloved ones that you are held forever in that Full Ascended Master feeling of Victory over every human appearance!

Beloved Ones, do not think for one moment that we have forgotten you because we have not written before. We know that you can fully appreciate the great demands upon us at Christmas time and we have been pouring constantly to you and all of the beloved ones in Chicago the mightiest outpouring of Cosmic Light and Love that transmutes every human appearance into Divine Perfection.

Know always:- "I AM THE ONLY GOVERNING AND ACTING PRESENCE AND POWER IN EVERY HUMAN FORM", regardless of what the appearance seems to manifest. Be so alert in the consciousness of your own "Mighty I AM Presence" which sees, knows, feels and hears only Perfection that the human appearance can never hold your attention for one second.

We both want to thank you with all our hearts and express our deep gratitude and appreciation for your gift to us at Christmas time and also for your great service and love to the blessed ones there. Know that the "All Seeing" Eye of God knows all the many beautiful services that you have rendered that have not always been given outer recognition. It is so wonderful to know that that Light which is the "I AM" in you is the Light that Lights every man that comes in contact with you.

We rejoice with you over your many Victories and we are decreeing that each day shall be filled with Ascended Master Miracles of Perfection for each one of you. Know that our arms are ever about you, holding you close to that Perfection which you are in the full consciousness of your own Presence. It will not be long now before we will be with you blessed ones in Chicago and what a

"SEE AMERICA FIRST"

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

CHARLES SAAD, MANAGING DIRECTOR  
EDWARD S. BERNARD, MANAGER

THE BILTMORE HOTEL  
LOS ANGELES



-2-

marvelous feast we will have together.

We call to the Secret Love Star to keep pouring continuously into your bodies and world its Mighty Light Substance until your final Victory - the Ascension in the Light. With all the Love of our own "Mighty I AM Presence" to enfold each one forever.

Lovingly yours in the Service of the Light.

GWB:MK

*Mamma & Daddy*

"SEE AMERICA FIRST"

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

526

United States v. Edna W. Ballard, et al.,  
Docket No. 14,496-Y

144964


R E C E I P T

Receipt is acknowledged of certain exhibits here-  
inunder designated pursuant to the terms and in conformity  
with the order of Honorable Leon R. Yankwich of this date,  
authorizing the release of said exhibits, in the case of  
United States v. Edna W. Ballard, et al., No. 14,496-Y.

Said exhibits are as follows: <sup>prizings</sup> Defendants' Exhibits 32 and 33;  
and Government's Exhibits 65, 66, 68, 69, 71, 72, 73, 75,  
76, 78, 80, 82, 83, 84, 86, 89, 90, 92, 97, and 110.

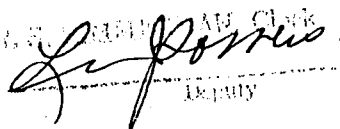
Said exhibits are to be returned as required by  
said order.

This 3rd day of February, 1941.

  
NORMAN W. NEUKOM,  
Assistant U. S. Attorney.

FILED

FEB 4 1941

U. S. DEPT. OF JUSTICE  
By  Deputy

NWN:AH

IN THE DISTRICT COURT OF THE UNITED STATES  
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
CENTRAL DIVISION

UNITED STATES OF AMERICA, )

Plaintiff, )

No. 14,496-Y

v. )

ORDER PERMITTING WITHDRAWAL AND RELEASE  
OF CERTAIN EXHIBITS OF THE DEFENDANTS  
AND GOVERNMENT

EDNA W. BALLARD, et al., )

Defendants. )

The motion of the defendants Edna W. Ballard, et al., having come on regularly for hearing on February 3, 1941, at 10:00 A.M. before the Honorable Leon R. Yankwich, United States District Judge, and the defendants having been represented by one of their counsel, W. I. Gilbert, Jr., and the government having been represented by Wm. Fleet Palmer, United States Attorney for the Southern District of California, and Norman W. Neukom, Assistant United States Attorney for said district, and certain motions having been made to the court for permission to withdraw and have released certain exhibits of the defendants and government:

Now, therefore IT IS HEREBY ORDERED, ADJUDGED, and DECREED that all exhibits introduced by the defendants, namely, Exhibits 1 to 42, inclusive, are hereby ordered to be released to the defendants or their counsel herein with the exception of Exhibits 32 and 33 (which said last mentioned exhibits are more commonly designated as the Shasta letters, being a group of handwritten and typewritten letters and envelopes).

With respect to Exhibit 32 and 33 IT IS HEREBY ORDERED that said exhibits be forthwith turned over to the office of the United States Attorney, upon the receipt by the clerk of this court of an appropriate receipt, for the purpose of further inspection, but that said exhibits are to be returned to the clerk of this court by the government on or before March 5, 1941, whereupon said Exhibits 32 and

33 are to be likewise released and turned over to the defendants or  
their counsel.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the follow-  
ing designated government's exhibits shall be temporarily released  
to the United States Attorney's office, upon the receipt by the clerk  
of this court of an appropriate receipt, said exhibits to be returned  
to the clerk within approximately thirty days from the date of the  
herein order. Said Government's Exhibits are Nos. 65, 66, 68, 69,  
71, 72, 73, 75, 76, 78, 80, 82, 83, 84, 86, 89, 90, 92, 97, 110.

DATED: This 3d day of February, 1941.

*Leon R. Hankrich*  
United States District Judge

APPROVED AS TO FORM:

JAMES R. ARMSTRONG,  
CHARLES F. CARR,  
W. I. GILBERT, JR.,  
AMES PETERSON,

By *Ames Peterson*

Attorneys for Defendants,  
458 South Spring Street,  
Los Angeles, California.

*Approved.*  
*Wm. Fleet Tolme U.S. Atty.*  
*by James W. Feltner*  
*Clk*

*VB 65, 66, 68, 69, 71, 72, 73, 75, 76, 78*  
*80, 82, 83, 84, 86, 89, 90, 92, 97, 110 + 85.*  
*32 + 33, Returned 3/10/41. R. J. Zimmerman*  
*By L. J. Barrow*  
*clerk*

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
CENTRAL DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
vs  
EDNA BALLARD, ET AL,  
Defendants.

No. 14496 Cr.

NOTICE OF MOTION

TO FLEET PALMER, as United States Attorney, and to Norman W.  
Neucom, as Assistant United States Attorney for the Southern Dis-  
trict of California:

You and each of you will please take notice that on Thursday,  
the 27th day of February, 1941, at the hour of 2:00 o'clock P. M.,  
or as soon thereafter as counsel can be heard, the defendants above  
named will move the Court for the return to them of all books and  
records of the St. Germain Press and the St. Germain Foundation  
for the reason that it is necessary for them to have possession of  
said books and records in the preparation of income tax returns.

DATED: February 25, 1941.

Ames Peterson  
Attorneys for Defendants



7 The clan is gathering from all over the country, at least  
8 the east for today and tomorrow; New York, Boston, Phila.  
9 Cleveland, and Chicago, as well as smaller places, and al-  
ready I can begin to feel the Radiation oozing up here on  
the eighth floor.

10 5:30 PM. Had to leave at this point and just now returned  
11 from Childs where I had dinner, so will attempt to finish  
12 before going back to the evening class. Mama sure did give  
13 it to them this afternoon and the lid on all information  
14 concerning closed classes is on so tight that if anything  
15 leaks out, God help the one thru whom it comes; for it is  
going to be like digging for diamonds to get one of those  
tickets once they are removed - which has already been done  
in a few instances. We are going to have obedience, or  
you go out on your ear. Most of them are taking it on the  
chin and the greater majority are heartily in favor of the  
new plan, realizing it is the only way to gain complete  
Freedom. One would have to follow those same rules in a  
Retreat, so why not here?

16 I have just rambled on, but what am I to say when there are  
17 to be no notes or anything given out, and far be it from me  
to give out anything now, unless I have a written guarantee  
18 that my head will still be left in its place. The guillotine  
don't appeal to me and never did, so I will be good.

19 This may give you a slant on things, even tho I have given  
20 forth no news. It will give you something to start looking  
21 forward to, for if that Shrine class is closed (which we are  
all praying it will be) then those students are going to learn  
a whole lot in a very short time. I guess many of them can  
well stand to be held off and given the once-over. Reports  
from there are not so hot; but it is the testing time of the  
ages and all must choose ye whom you will serve.

22 Portia I think of you often, but you know how much time I  
23 have for letter writing. I have missed you all during this  
24 eastern trip, but there have been times when I was so grate-  
ful that none of you were along that I am sure the Presence  
has guided you. Only going thru such a thing does one grasp  
25 how much viciousness is in the world and just how low people  
will stoop - but - "the Light of God never fails," and never  
26 will, but it tested the metal of everyone; and I am sure it  
gave Saint Germain an opportunity to see what each one was  
made of and whether or not they really were good soldiers.

27  
28  
Contrary to the form of the statute in such case made and  
vided and against the peace and dignity of the United States of

a.



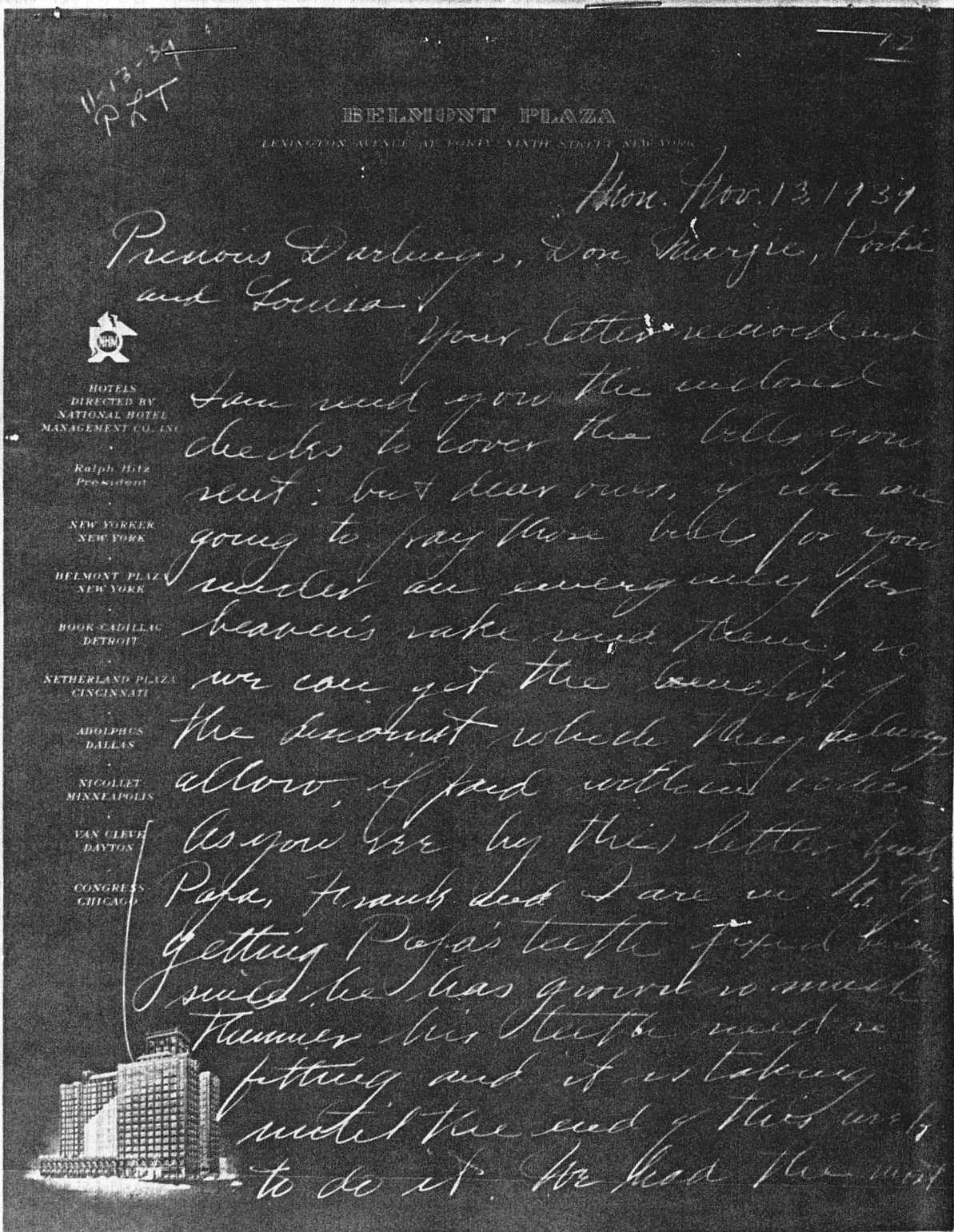
TWELFTH COUNT

And the grand jurors aforesaid upon their oath aforesaid do further present:

That they do reallege and incorporate herein, as if again set forth at length, all of the allegations of the first count of this indictment, except those allegations alleging the mailing of the check referred to in said count and therein described:

That the defendants, on or about November 13, 1939, then having devised the said scheme and artifice, for the purpose of executing the same and attempting so to do, at Sierra Madre, County of Los Angeles, state, division and district aforesaid, and within the jurisdiction of the United States and of this Honorable Court, unlawfully and feloniously did knowingly cause to be delivered by mail according to the directions thereon, a certain letter in a postpaid envelope addressed to MRS. PORTIA TERRY, at Sierra Madre, California, which said letter had theretofore been deposited in the Post Office Establishment of the United States for mailing and delivery, and which said letter was thereafter delivered to said addressee by the Post Office Establishment of the United States at such address, and within the Central Division of the Southern District of California, and within the jurisdiction of the United States and of this Honorable Court, and which said letter was of the following tenor, to-wit:





Contrary to the form of the statute in such case made and  
provided and against the peace and dignity of the United States of  
America.



4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
Everybody keep harmonious and  
happy and it will come about  
sooner than you think.  
Everybody visualize a definite  
aim and share with Portia's  
pocket book this moment.  
We are all working steadily  
for you all; but everyone  
must positively refuse to have  
any impure feeling or  
criticism of each other or those  
who are also climbing the  
hill to make the grade  
of the discussion too.  
I am deep last note so  
must close and get a little  
now. Daddy and the Staff all  
and you Love Protection &  
Blessing constantly. See the  
"Sword of Blue Flame" moving  
before you everywhere you go.  
With my heart unfolding you  
forever, Lovingly Thana Daddy 7/26/41.

28  
29  
30  
31  
32  
Contrary to the form of the statute in such case made and  
provided and against the peace and dignity of the United States of  
America.



BELMONT PLAZA

1100 WEST 40TH STREET, NEW YORK



HOTELS  
DIRECTED BY  
NATIONAL HOTEL  
MANAGEMENT COMPANY

ROCKEFELLER  
HOTEL

NEW YORKER  
HOTEL

BELMONT PLAZA  
HOTEL

ROCKFELLER  
HOTEL

SETHURST PLAZA  
HOTEL

GRAND  
HOTEL

ACCOLITE  
HOTEL

FINCH  
HOTEL

CONGRESS  
HOTEL



every atom of discord in the Federal  
body, until they are prepared  
to receive the manifestations for  
which they have been calling.  
Please let us know when  
you are moving and where  
to send your check of the  
15th.  
How are things progressing  
for Portia? Let her not be  
worry about her channel  
supply - It does, not  
depend on R. T. insurance!  
I command it times more  
than he has ever had or  
will be given Portia  
right now as her own  
individual channel of which  
no one knows but her  
Presence! I command  
this to come forth instantly  
and become physical.

Contrary to the form of the statute in such case made and  
provided and against the peace and dignity of the United States of  
America.



when we closed last night the  
Love was so great the entire  
audience knelt to the Light  
as we came in. I thought my  
heart would burst with the  
outpouring of Light to the  
students and the desire to be  
than. There never was a class  
like it and Saint Germain said  
it was the most successful  
class of all so far as their  
work was concerned.

We three left early by plane  
this A. M. - came esp here to get  
the dental work attended to before  
the next class begins.

Saint Germain said all classes  
in the future would be closed  
and there would be not published  
notice of when or where they were  
to be held. He is going to tighten  
up every thing and weed out

Contrary to the form of the statute in such case made and  
provided and against the peace and dignity of the United States of  
America.



BARON LONG PRESIDENT  
CHARLES BAAD MANAGER  
EDWARD S. BERNARD MANAGER

THE BILTMORE HOTEL  
LOS ANGELES



January 25, 1940.

apt U.

Mr. Harry N. Rogers,  
Occidental Life Ins. Co.,  
756 So. Spring St.,  
Los Angeles, Calif.

Dear Harry:

Having been behind the scenes and knowing something of what goes on, then adding to that the recent experiences we have been thru, we feel you will understand the delay in acknowledging receipt of the two checks you sent, which represented Love Gifts from your Group, now closed.

We wish to thank you with all our hearts for this acknowledgment of your loyalty to the Light and we bless you for same. We assure you we have blessed it and asked our Blessed Daddy to see that it is amplified a million fold and go forth to render blessings to mankind; also those who have contributed to this fund.

We are calling to our Beloved Saint Germain and Daddy to render you whatever assistance the Law of your Life Stream will permit, to charge you with the peace, harmony and freedom to which you are entitled and give to you your Freedom in this embodiment.

Kindly accept Don's and my sincere appreciation of your kind remarks and blessings, and we are always,

Sincerely in the Service of the Light,

MRS. G. W. BALLARD  
DONALE BALLARD

By *Mrs. G. W. Ballard*

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.



THIRTEENTH COUNT

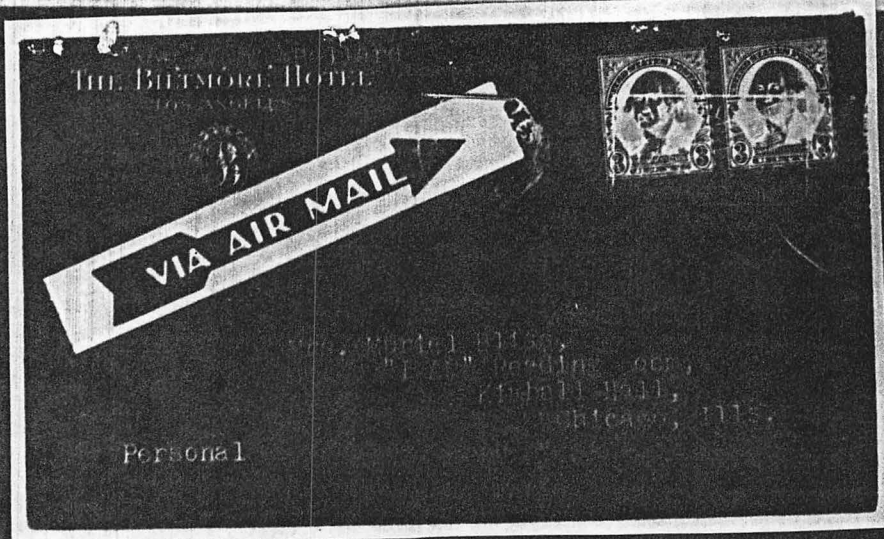
And the grand jurors aforesaid upon their oath aforesaid do further present:

That they do reallege and incorporate herein, as if again set forth at length, all of the allegations of the first count of this indictment, except those allegations alleging the mailing of the check referred to in said count and therein described:

That the defendants, on or about August 1, 1938, then having devised the said scheme and artifice in said first count described, for the purpose of executing the same and attempting so to do, at Los Angeles, County of Los Angeles, state, division and district aforesaid, and within the jurisdiction of the United States and of this Honorable Court, unlawfully and feloniously did knowingly place and cause to be placed in the United States Post Office at Los Angeles, County of Los Angeles, State of California, to be sent and delivered by the Post Office Establishment of the United States according to the directions thereon, a certain letter in a postpaid envelope addressed to MURIEL BLISS at Kimball Hall, Chicago, State of Illinois, and which said letter was of the following tenor, to-wit:



1



Saint Germain has just dictated the enclosed letter and we send copy for your special information.

Saint Germain's request is as follows: "Under no circumstance allow any one to have a copy of this letter, except yourself. Please keep this copy on your person and let no one copy it."

Please respect His Request, and with this information you will be able to correct any statement that may come to you concerning this so-called "precipitated" child.

Our Love and Blessings enfold you always.

Eternally in the Light,

MR. AND MRS. G. W. BALLARD

By *G. W. Ballard*

27

28

29

30

31

32

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.



Mrs. Muriel Bliss,  
"I AM" Reading Room,  
Kimball Hall,  
Chicago, Illinois.

Biltmore Hotel,  
Los Angeles, Calif.,  
August 1, 1938.

Beloved Student:

Saint Germain has just dictated the enclosed letter and  
we send copy for your special information.

Saint Germain's request is as follows: "Under no cir-  
cumstance allow any one to have a copy of this letter,  
except yourself. Please keep this copy on your person  
and let no one copy it."

Please respect His Request, and with this information  
you will be able to correct any statement that may come  
to you concerning this so-called "precipitated" child.

Our Love and Blessings enfold you always.

Eternally in the Light,

MR. AND MRS. G. W. BALLARD

By *G. W. Ballard*

26

27

28

29

30

31

32

Contrary to the form of the statute in such case made and  
provided and against the peace and dignity of the United States of  
America.



Biltmore Hotel,  
Los Angeles, Calif.,  
August 1, 1938.

Mr. Paul Stickell,  
Richmond, Va.

Beloved Messenger:

I am sending you this letter to prevent further misunderstanding or acceptance of the unfortunate condition in Richmond.

There is not one word of Truth nor Reality in this pretense of precipitated articles nor the child. The child was born of human parentage and this wild orgy of fanaticism must be stopped at once.

Lucille Leslie or Silver is in the hands of treacherous, deceitful psychic forces, and should be given no credence of any kind.

I am sorry that Dr. and Mrs. Liles have been so deceived. This deceit and treachery has nothing to do with the "I AM" Work. I have not appeared to her at any time. Neither has any one of the other Ascended Masters.

I am very grateful Dear Paul that you are going to Richmond that this unfortunate condition may be corrected.

If any of the students refuse to believe the Truth of these Words, then the results must be upon their own heads; and this should be a lesson to all "I AM" Students all over America not to be deceived by these foolish pretenses, as you know various attempts in the assumption to produce phenomena or precipitation have occurred several times.

All have been exposed and I trust this will end these attempts anywhere among the students.

Thanking you sincerely for your very great service rendered, I hold you forever in the Glory of your "Mighty I AM Presence" and the full Power of My Divine Love and Blessings.

SAINT GERMAIN.

26

27

28

29

30

31

32

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.



## 1

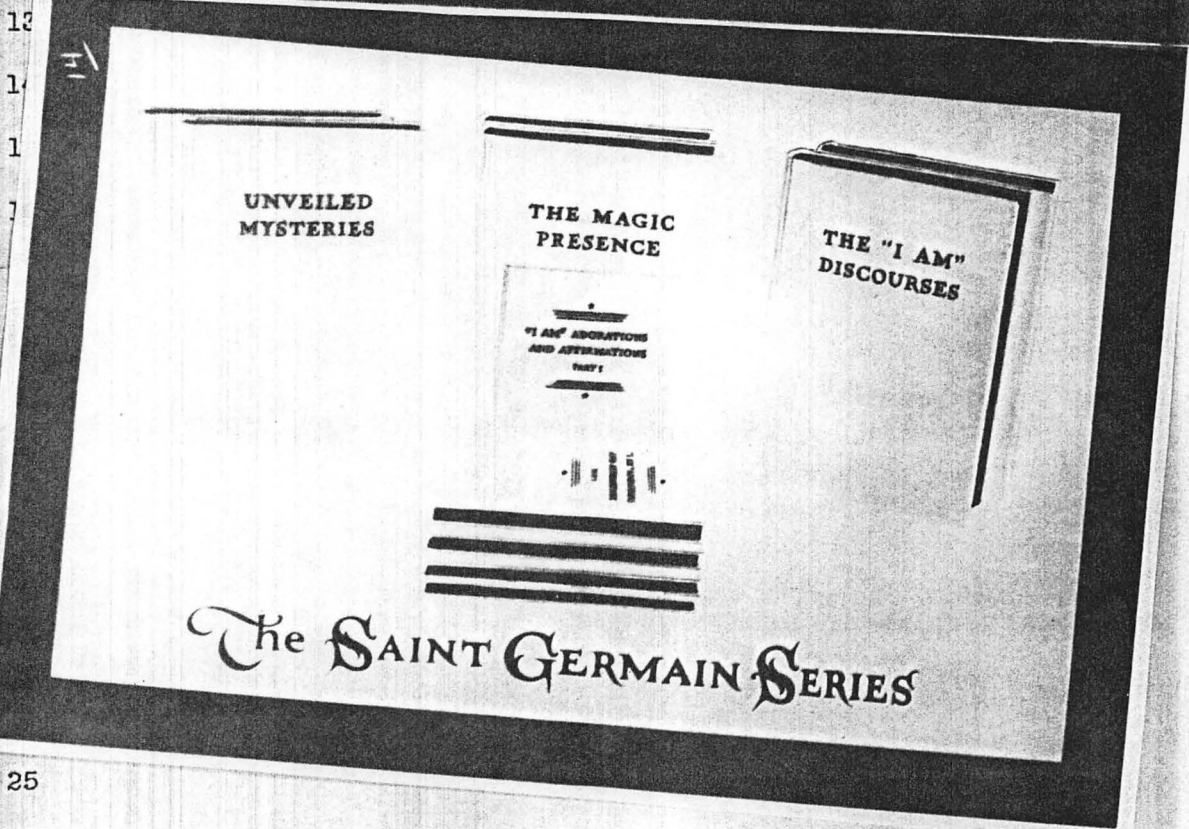
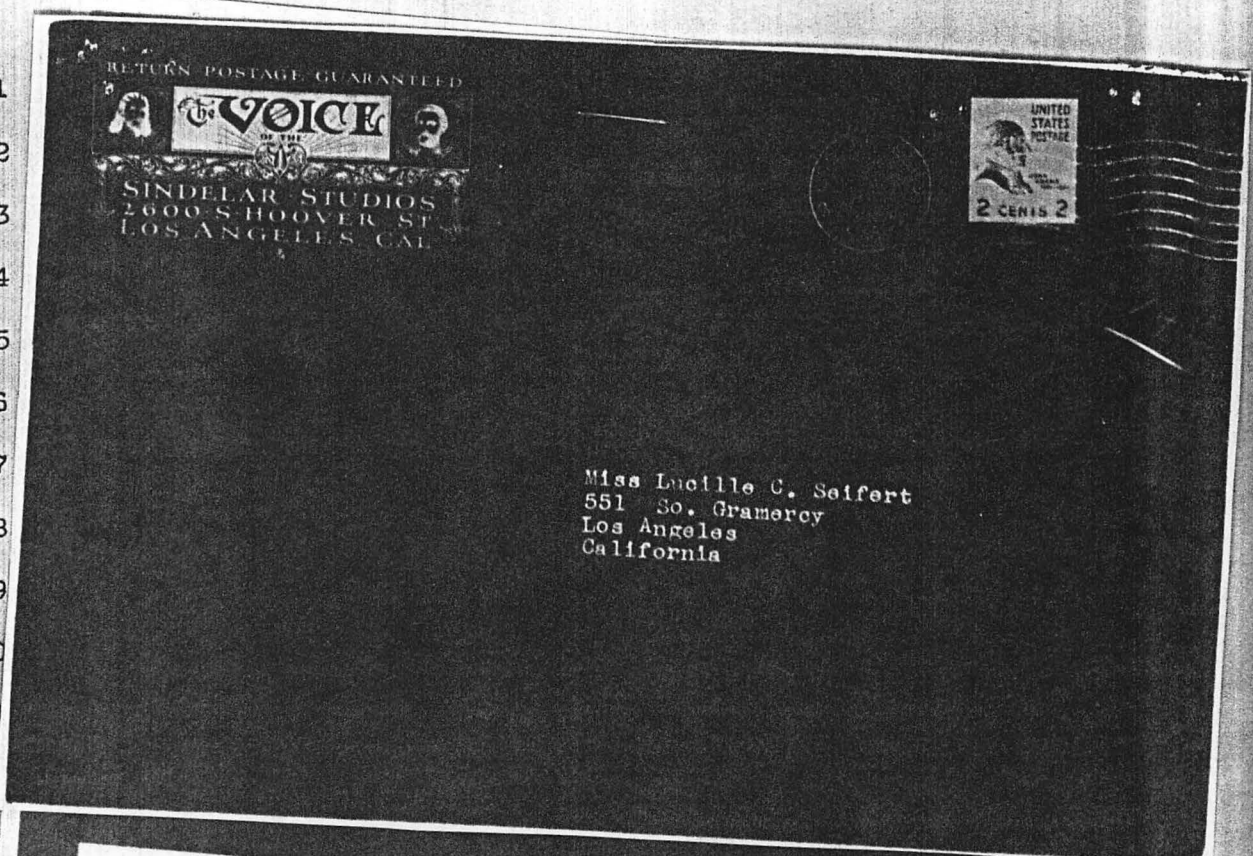
22

4

8



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24



25  
26  
27  
28  
29

30 Contrary to the form of the statute in such case made and  
31 provided and against the peace and dignity of the United States of  
32 America.





FIFTEENTH COUNT

And the grand jurors aforesaid upon their oath aforesaid do further present:

That they do reallege and incorporate herein, as if again set forth at length, all of the allegations of the first count of this indictment, except those allegations alleging the mailing of the check referred to in said count and therein described:

That the defendants, on or about March 18, 1938, then having devised the said scheme and artifice, for the purpose of executing the same and attempting so to do, at Sierra Madre, County of Los Angeles, state, division and district aforesaid, and within the jurisdiction of the United States and of this Honorable Court, unlawfully and feloniously did knowingly cause to be delivered by mail according to the directions thereon, a certain letter in a postpaid envelope addressed to MRS. FORTIA TERRY, 15 Vista Circle, Sierra Madre, California, which said letter had theretofore been deposited in the Post Office Establishment of the United States for mailing and delivery, and which said letter was thereafter delivered to said addressee by the Post Office Establishment of the United States at such address, and within the Central Division of the Southern District of California, and within the jurisdiction of the United States and of this Honorable Court, and which said letter was of the following tenor, to-wit:



The Ballards  
Mrs. Fortia Terry  
12 Vista Circle  
Santa Madra, Calif.

March 13, 1938

information which was dictated to remain on March 15, 1938.

at Light, I have great rejoicing for convey these exact words, at their parts of America?

visions! five from the Cave of Symbols in Arabia. The five from the Cave of people. Those from the Retreat in ries; one from South America; one from England and one from India.

of that, which I have said to you from forth. Providing the great sincerity, ty of this great group of students con- long, this may be produced in the outer

spoken a word or made a promise that has a group of people who will harmonize en I can promise you exactly what I can ng as the human is governing and there the individual.

he only time in the history of the earth made the Ascension in one day. Those he Ascension at 2:00 o'clock; those from k in the evening. That will be your

their Freedom, but of releasing the Power Ascension day, as the Messengers carry ing memory in the history of every "I AM" at the close of each class".

he coming Shrine Class will be a sixteen-

LES, CALIFORNIA  
clusive, except Monday 7/11  
E AUDITORIUM  
Jefferson Street

students there from all parts of the

country and decree now, that every one who sincerely desires to attend shall, by their determined application to their own mighty I AM Presence, call forth whatever is necessary to make it possible in Perfect Divine Order.

Our Love and Blessings enfold you always.

THE BALLARDS

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.



March 18, 1938

Blessed Students everywhere:

You will be overjoyed to read this marvelous information which was dictated to the Cleveland Class by our Beloved Saint Germain on March 15, 1938.

"Beloved sincere students of this Great Light, I have great rejoicing for you. Will those who are visiting here convey these exact words, at their earliest convenience, to the different parts of America?"

On next Sunday there will be ten Ascensions: five from the Cave of Symbols in America and five from the Retreat in Arabia. The five from the Cave of Symbols are your own beloved American people. Those from the Retreat in Arabia come from five different countries; one from South America; one from Australia; one from France; one from England and one from India.

This, beloved ones, is the beginning of that, which I have said to you from the beginning of This Work, would come forth. Providing the great sincerity, the great honesty and the great loyalty of this great group of students continue, it is not impossible that ere long, this may be produced in the outer world visible to all.

You will find that I have never once spoken a word or made a promise that has not been fulfilled! When I can have a group of people who will harmonize themselves enough and maintain it; then I can promise you exactly what I can do for you; but I cannot do it, as long as the human is governing and there is wavering in the feeling world of the individual.

This is a tremendous thing! It is the only time in the history of the earth that this number of people will have made the Ascension in one day. Those from the Cave of Symbols will make the Ascension at 2:00 o'clock; those from the Retreat in Arabia at 8:00 o'clock in the evening. That will be your time here (Eastern Standard Time).

It is for the purpose, not only of their Freedom, but of releasing the Power which will not throughout the future Ascension day, as the messengers carry the Light forth. This will be a living memory in the history of every "I AM" Student on the future Ascension Days at the close of each class.

It makes us very happy to announce that the coming Shrine Class will be a sixteen-day class.

LOS ANGELES, CALIFORNIA  
7/1--7/17/38 inclusive, except Monday 7/11  
SHRINE AUDITORIUM  
665 West Jefferson Street

We look forward to the joy of seeing many students there from all parts of the country and Decree now, that every one who sincerely desires to attend shall, by their determined application to their own mighty I AM Presence, call forth whatever is necessary to make it possible in Perfect Divine Order.

Our Love and Blessings enfold you always.

THE BALLARDS

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.



SIXTEENTH COUNT

And the grand jurors aforesaid upon their oath aforesaid do further present:

That they do reallege and incorporate herein, as if again set forth at length, all of the allegations of the first count of this indictment, except those allegations alleging the mailing of the check referred to in said count and therein described:

That the defendants, on or about November 8, 1939, then having devised the said scheme and artifice, for the purpose of executing the same and attempting so to do, at Los Angeles, County of Los Angeles, state, division and district aforesaid, and within the jurisdiction of the United States and of this Honorable Court, unlawfully and feloniously did knowingly cause to be delivered by mail according to the directions thereon, a certain letter in a postpaid envelope addressed to HARRY N. ROGERS, 353 N. Van Ness Avenue, Los Angeles, California, which said letter had theretofore been deposited in the Post Office Establishment of the United States for mailing and delivery, and which said letter was thereafter delivered to said addressee by the Post Office Establishment of the United States at such address, and within the Central Division of the Southern District of California, and within the jurisdiction of the United States and of this Honorable Court, and which said letter was of the following tenor, to-wit:



353 N. Van Ness Ave.  
Los Angeles, Calif.  
Nov. 29, 1939.

R. W. Ballard.  
Washington Hotel,  
Washington, D.C.

Dear One :

This is just a brief note to let you know that when the telegram of Saint Germain's, dated Nov. 12, 1939, arrived it seemed as though the end of the world had come for me. Certainly it was the most unexpected thing that ever could have happened. It seems incredible to me. I do know I have given my all into this Activity - my very life and Soul as well. I do know that the Good which the "Great Presence" was able to do through me will live FOREVER, and all else will be dissolved into its nothingness. It seems to me now, as I reflect, that the continuous statements of the Ascended Masters in the Dictations, saying how much was needed in getting out our Decrees "as never before" - for the Protection of America and all mankind - I became so imbued with the ideal of trying to render a Service, that that became an all-consuming desire - and possibly blinded me to other things. In the very great unhappiness of so many conditions existing at the same time, it may be that things were done in a way that seems like a miracle of Perfection compared to the way they might have been done.

The instructions in the telegram were carried out to the letter. I read it to the Group as directed. We had a short meeting, and then closed with a final Decree for the blessing and Irvincible Protection for you, Lotus and Donald, and all your near and dear ones, and to make the coming Washington and Shrine Classes the most transcendent ever held. Then the Groups were dismissed and disbanded.

After winding up our Group affairs there was left in the reserve fund Three Hundred ( \$300 ) Dollars. Enclosed is a Cashier's Check from the Bank of America for that amount for you to use in any way you wish.

Thank you, dear Ones, for your willingness to carry this wonderful message of the "Mighty I All Presence" and the Ascended Masters to the world. Thank you for the opportunity you gave me to try to serve. It has already been my joy to render a service to the Light these last two weeks which will make things just a little easier for you than otherwise might have been. I shall continue on in my endeavor. The only thing to live for is to try to render a service to the Light. I shall endeavor to do that throughout eternity. May the Infinite Blessings of Eternal Light drench you, Lotus, Donald, and all your near and dear ones, now and forever, with every good and Perfect Gift, and make your way beautiful, harmonious and Perfect. With all the Love of my heart, sincerely

HR

In the Service of the Light,

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.



EIGHTEENTH COUNT

And the grand jurors aforesaid upon their oath aforesaid  
do further present:

That they do reallege and incorporate herein, as if again  
set forth at length, all of the allegations of the first count of  
this indictment, except those allegations alleging the mailing of  
the check referred to in said count and therein described:

That the defendants, on or about January 25, 1940, then  
having devised the said scheme and artifice in said first count de-  
scribed, for the purpose of executing the same and attempting so to  
do, at Los Angeles, County of Los Angeles, state, division and dis-  
trict aforesaid, and within the jurisdiction of the United States  
and of this Honorable Court, unlawfully and feloniously did know-  
ingly place and cause to be placed in the United States Post Office at  
Los Angeles, County of Los Angeles, State of California, to be sent  
and delivered by the Post Office Establishment of the United States  
according to the directions thereon, a certain letter in a postpaid  
envelope addressed to MR. HARRY N. ROGERS, Occidental Life Ins. Co.,  
756 So. Spring St., Los Angeles, California, and which letter was of  
the following tenor, to-wit:

1 W. I. GILBERT  
2 CHARLES H. CARR  
3 458 South Spring Street  
4 Los Angeles, California  
5 Michigan 2808  
6 Attorneys for defendants.

7 IN THE DISTRICT COURT OF THE UNITED STATES  
8 IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
9 CENTRAL DIVISION

10 UNITED STATES OF AMERICA )

11 vs. )

12 EDNA W. BALLARD, et al. )

No. 14496 BH

MOTION TO QUASH INDICTMENT

13  
14  
15  
16 Come now the defendants, EDNA W. BALLARD, BETTY MUNDY,  
17 PEARL SINDELAR, LOUISE MAJERUS, CECILIA MAJERUS, CAROLIE  
18 HENDRICKSON, FRANCES EKEY, SALLIE BRESSLER, MRS. PAUL POTTER  
19 and MRS. ADA COX FISHER and move the court on the files and  
20 records of said court, the affidavits and exhibits attached  
21 hereto and upon evidence to be adduced at the time of the  
22 hearing of this Motion, to set aside and quash the indictment  
23 against them in the above entitled case, upon the following  
24 grounds:

25 I.

26 The Grand Jury which found and presented the  
27 indictment in the above entitled case was composed of grand  
28 jurors drawn from a jury box which did not contain the names  
29 of any persons of the female sex; that the Jury Commissioner  
30 in and for the Southern District of California, Central  
31 Division, and the Clerk of the United States District Court  
32 in and for said district, purposely, designedly and

1 arbitrarily excluded all persons of the female sex in their  
2 selection of names available to be placed in said jury box;  
3 that said Jury Commissioner and Clerk of the United States  
4 District Court purposely, designedly and arbitrarily excluded  
5 from the list of persons to serve as such grand jurors all  
6 persons of the female sex and that such exclusion was made  
7 on account of their sex; that said Jury Commissioner and  
8 Clerk of the United States District Court purposely, designedly  
9 and arbitrarily selected persons of the male sex only as  
10 prospective jurors, and purposely, designedly and arbitrarily  
11 placed only the names of said male sex in the jury box from  
12 which the Grand Jury in and for said division and district  
13 were drawn for Grand Jury service;

14 II.  
15

16 That said Grand Jury was composed exclusively  
17 of persons of the male sex, while all persons of the female  
18 sex, although consisting and constituting at least one-half  
19 of the population and of the registered voters in said division  
20 and district, and although otherwise qualified to serve as  
21 such jurors, were excluded therefrom on the ground of their  
22 sex and have been so excluded from serving on any grand jury  
23 in said District Court for a great many years, which is a  
24 discrimination against these defendants since they are persons  
25 of the female sex; and that such discrimination is a denial  
26 to them of the equal protection of the laws and due process  
27 of law as guaranteed by the Constitution and laws of the  
28 United States, and particularly Article 5 of the Amendments  
29 to the Constitution of the United States;  
30



III.

That your petitioners are women to whom the exclusion by said Commissioner and Clerk of female persons from Grand Jury service in said United States Court in and for said Division and District is a denial of these defendants' rights under the law and Constitution of the United States and is a discrimination against them because of and on account of their sex;

IV.

The defendants now offer to prove each and every allegation above set forth by competent evidence to be adduced in court.

*W. H. Carr*  
*Charles H. Carr*  
Attorneys for defendants.

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

BETTY MUNDY, being first duly sworn, on oath deposes and says: that she is the petitioner and one of the defendants in the above entitled action; that she has read the Motion to Quash the Indictment and knows the contents thereof; that the same is true of her own knowledge, except as to those matters which are therein stated on her information and belief, and as to those matters, she believes it to be true.

*Betty Mundy*

Subscribed and sworn to before me  
this 19<sup>th</sup> day of September, 1940.

*George A. Hoff*  
Notary Public in and for  
Said County and State

My Commission Expires February 28, 1944

1 W. I. GILBERT  
2 CHARLES H. CARR  
3 458 South Spring Street  
4 Los Angeles, California  
5 Michigan 2808

6 IN THE DISTRICT COURT OF THE UNITED STATES  
7 IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
8 CENTRAL DIVISION  
9

10  
11 UNITED STATES OF AMERICA )

12 vs. )

13 EDNA W. BALLARD, et al. )

No. 14496 BH

( POINTS AND AUTHORITIES IN SUPPORT  
( OF MOTION TO QUASH THE  
( INDICTMENT

14  
15  
16 The following points and authorities are herewith  
17 submitted for and on behalf of the defendants in support of their  
18 Motion to Quash the Indictment in the above entitled case:  
19

20 28 USCA, 411.

21 28 USCA, 412.

22 California Constitution, Article 2, Section I.

23 California Constitution, Article 20, Section 18.

24 Cal. Code of Civil Procedure, Section 190.

25 Cal. Code of Civil Procedure, Section 198.

26 Hoxie v. United States, 9 Cir. 15 F. (2d) 762,

27 Cert. denied, 273 U. S. 755, 47 S. Ct. 459.

28 Tynan v. United States, 9 Cir. 297 F. 177,

29 Cert. denied, 266 U. S. 604, 45 S. Ct. 91.

30 United States v. Wood, 299 U. S. 123, 57 S. Ct. 177, 185.

31 Ex parte Mana, 178 Cal. 213, 172 Pac. 986.  
32

1 People v. Manuel, 41 Cal. App. 153, 182  
2 Pac. 306.

3 Strauder v. West Virginia, 100 U. S. 303,  
4 25 L. Ed. 664.

5 Howard v. United States, (C.A. D.C.)  
6 26 F. (2d) 551, 552.

7 Norris v. State of Alabama, 294 U. S. 587,  
8 55 S. Ct. 579.

9 Carter v. State of Texas, 177 U. S. 442, 20 S.  
10 Ct. 687.

11 2308 Cyclopedia of Federal Procedure.

12 Parus v. District Court, 42 Nev., 229, 174 Pac. 706.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32



1 W. I. GILBERT  
2 CHARLES H. CARR  
3 458 South Spring Street  
4 Los Angeles, California  
5 Michigan 2808  
6 Attorneys for Defendants.  
7

8 IN THE DISTRICT COURT OF THE UNITED STATES  
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
10 CENTRAL DIVISION  
11

12  
13 UNITED STATES OF AMERICA (

14 vs. (

15 EDNA W. BALLARD, et al. (

No. 14496 Y

MOTION TO QUASH  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )  
29 )  
30 )  
31 )  
32 )

18 Come now the defendants and move the court to  
19 set aside and quash the indictment and each count thereof  
20 returned against them in the above entitled case upon the  
21 following grounds:  
22

23 I.

24 Said indictment and each count thereof sets  
25 forth matters which are redundant, irrelevant and immaterial  
26 to a charge of using the mails to defraud and which create  
27 undue prejudice against these defendants; that said indictment  
28 and each count thereof sets forth matters of inference, opinion,  
29 conjecture, discourse and abounds in uncertain statements and  
30 highly colored and argumentative matter which creates undue  
31 prejudice against these defendants; that said indictment and  
32 each count thereof sets forth matters which are not subject

1 to proof because there is no exact standard of absolute  
2 truth by which to prove the matters false or true and said  
3 matters create undue prejudice and confusion of issues and  
4 will permit and influence the jury to speculate as to the  
5 truth or falsity of such matters to the prejudice of these  
6 defendants; that said indictment and each count thereof sets  
7 forth matters which are prejudicial surplusage and will affect  
8 the substantial rights of these defendants which are guaranteed  
9 by the Constitution and laws of the United States of America;

10 II.

11 That said indictment and each count thereof sets  
12 forth matters which are scandalous, defamatory and scurrilous  
13 and which are immaterial to and have no place in a charge of  
14 using the mails to defraud; that said scandalous, defamatory  
15 and scurrilous matters reflect prejudicially upon these  
16 defendants and will create undue prejudice against them  
17 which the court will be unable to dispel by instruction to  
18 the jury;

19 III.

20 That said indictment and each count thereof con-  
21 tains allegations which on their face show that the Government  
22 cannot and will not attempt to offer proof to sustain said  
23 allegations and said allegations confuse the issues for the  
24 jury to decide and create undue prejudice against these  
25 defendants; that said indictment and each count thereof  
26 contains offensive, oppressive and sacriligious matters  
27 prejudicial to these defendants and which are immaterial  
28 to and have no place in a charge of using the mails to defraud;  
29 that said indictment and each count thereof abounds in  
30 allegations which are not subject to proof and which the  
31 Government will not attempt to prove and that such allegations  
32 will create prejudice in the minds of the jurors against

1 these defendants which the court will be unable to dispel  
2 by instructions and will prevent these defendants from having  
3 a fair and impartial trial in this cause as will hereinafter  
4 be more particularly set out.

5 IV.

6 That paragraph 10 of Count I of said indictment  
7 and each and every count thereof charges and alleges that it  
8 was falsely and fraudulently represented that the defendant,  
9 Guy W. Ballard, had attained a supernatural state of self-  
10 immortality which condition enabled him to conquer disease,  
11 death, old age, poverty and misery when the defendants well  
12 knew that Guy W. Ballard had not attained such a state of  
13 self-immortality which would enable him to conquer disease,  
14 etc., "but was subject to disease and death common to mortal  
15 man and did, in fact, die on December 29, 1939, in the City  
16 of Los Angeles, California, following an operation performed  
17 upon him."

18 That said allegation concerning the death of  
19 Guy W. Ballard is irrelevant and immaterial to a charge of  
20 using the mails to defraud, nor will proof of said allegation  
21 prove or disprove the belief of said defendants or their  
22 good faith in the alleged representations concerning the  
23 self-immortality of Guy W. Ballard; that said allegation is  
24 prejudicial to these defendants in that the jury will be  
25 confused with respect to the issue of good faith of the  
26 defendants concerning the alleged representations and will be  
27 led to accept the fact of the death of said Guy W. Ballard  
28 as proof of the falsity of the alleged representation of  
29 these defendants that Guy W. Ballard had attained a state  
30 of self-immortality; that the issue for the jury is whether  
31 or not the defendants believed in good faith in the immortality  
32 of Guy W. Ballard and said allegation concerning said



1 Guy W. Ballard's death will cause the jury to be improperly  
2 and prejudicially affected, consciously or unconsciously,  
3 in their deliberation in determining defendants' good faith  
4 in such alleged belief;

5 V.

6 That paragraph 11 of Count I of said indictment  
7 and each and every count thereof charges and alleges that  
8 the defendants falsely represented that Guy W. Ballard had  
9 been selected and designated by the Ascended Master, Saint  
10 Germain, as a divine messenger; that the words of the  
11 Ascended Masters and the words of the "alleged divine entity,  
12 Saint Germain" would be transmitted to mankind through the  
13 medium of said Guy W. Ballard when defendants well knew that  
14 said Guy W. Ballard was not a divine messenger and that  
15 defendants well knew that said Guy W. Ballard had no divine  
16 or supernatural power;

17 Said allegation shows on its face that the  
18 Government cannot and will not attempt to prove that said  
19 alleged representation was false and fraudulent because  
20 there is no exact standard of absolute truth by which to  
21 prove the representation false and a fraud; that said charge  
22 is prejudicial to these defendants in that said allegation  
23 is a matter of conjecture, opinion and concerns spiritual  
24 or ethereal matters which will cause and permit the jury  
25 to speculate as to the truth or falsity of said alleged  
26 representative when the belief of defendants in said alleged  
27 representations is the only material issue for the jury to  
28 decide; that said allegation will confuse the issues and create  
29 undue prejudice against these defendants in that it will  
30 cause and permit the jury to decide the truth or falsity of  
31 their alleged representations upon their concepts of  
32 spiritual matters or scepticism and in the absence of

1 evidential proof;

2 That paragraph 11 of Count I of said indictment  
3 and each and every count thereof charges the defendant,  
4 Guy W. Ballard, under the aliases Saint Germain, Jesus and  
5 George Washington;

6 Charging the defendant, Guy W. Ballard, with the  
7 alias Jesus is prejudicial to these defendants and will so  
8 appeal to the passion and prejudice of the jury as to prevent  
9 a fair and impartial trial of these defendants; that said  
10 charge of said Guy W. Ballard with the alias Jesus will create  
11 and place an atmosphere of sacrilege about said defendants  
12 which will be offensive to a Christian jury and will result  
13 in undue prejudice to these defendants; that said alias of  
14 Jesus of any other alias is unnecessary as Guy W. Ballard  
15 is not on trial and the question of his identity or a misnomer  
16 will not arise;

17 VI.

18 Paragraph 12 of Count I of said indictment and  
19 each and every count thereof charges and alleges that defendants  
20 falsely and fraudulently represented that Guy W. Ballard  
21 during his lifetime and Edna W. Ballard and Donald Ballard  
22 by reason of their alleged "high spiritual attainments and  
23 righteous conduct" had been selected as divine messengers  
24 through which the words of the Ascended Masters would be  
25 communicated to mankind under the teachings known as the  
26 "I AM" movement when the defendants well knew that none of said  
27 three persons "had in fact achieved a high spiritual attainment"  
28 and that defendants well knew that none of said three designated  
29 persons "had in fact lived a life either prior to the date set  
30 forth in the herein indictment or continuously up to and including  
31 the filing hereof, which said life adhered to and consisted of  
32 righteous conduct."

1           That the allegation that the defendants well knew  
2           that they had not achieved a high spiritual attainment and  
3           that their lives had not adhered to and consisted of righteous  
4           conduct shows on its face that the Government cannot and will  
5           not attempt to offer proof that said alleged representation  
6           was false and fraudulent because proof of such is impossible,  
7           "high spiritual attainment" being a matter of opinion and  
8           subject to no exact standard of absolute truth by which to  
9           prove the alleged representation false and a fraud; that said  
10          allegation concerning "high spiritual attainment" is prejudicial  
11          in that it is a matter of conjecture, opinion and concerns  
12          spiritual or ethereal matters which will cause and permit the  
13          jury to speculate as to the truth or falsity of said alleged  
14          representations when the beliefs of defendants in said  
15          alleged representation is the only material issue for the jury  
16          to decide; that said allegations will confuse the issues and  
17          create undue prejudice against these defendants in that it  
18          will cause and permit the jury to decide the truth or falsity  
19          of said alleged representations upon their concepts of  
20          spiritual matters or scepticism and in the absence of  
21          evidential proof.

22                 That said allegation that defendants' lives had  
23          not adhered to and consisted of righteous conduct is prejudicial  
24          and will confuse the issues in that the jury will be influenced  
25          to determine the good faith of defendants in their belief in  
26          said alleged representations by some act which might appear  
27          not in keeping with their belief; that by Amendment I of the  
28          Constitution of the United States these defendants are  
29          entitled to make any representations which they in good faith  
30          believe concerning religious concepts and no law requires  
31          said defendants or any other persons to "practice what they  
32          preach"; that said allegation concerning the righteous conduct



1 of the defendants is irrelevant and immaterial to a charge of  
2 using the mails to defraud and is prejudicial to these  
3 defendants and will prevent them from having a fair and  
4 impartial trial; that said defendants are entitled to be  
5 judged by the same standards as any other religious group  
6 and the very foundation of all Christian religions is predi-  
7 cated upon the premise that no human is free of sin, but is  
8 ever entitled to forgiveness and his or her belief is not  
9 tested by the individual acts of transgression.

10 VII

11 That paragraph 13 of Count I of said indictment  
12 and each and every count thereof charges and alleges that  
13 the defendants falsely represented that Guy W. Ballard,  
14 Edna W. Ballard and Donald Ballard "had by supernatural  
15 visitation been accorded a supernatural state of self-  
16 immortality of body" and had been appointed messengers of  
17 divine entities and Ascended Masters and that it was only  
18 through the medium of one or all of these designated persons  
19 that the teachings of the Ascended Masters or divine entities  
20 would be transmitted to mankind when defendants well knew that  
21 the representations concerning the self-immortality of  
22 Guy W. Ballard, Edna W. Ballard and Donald Ballard were false  
23 and that defendants well knew that the representations as  
24 to the ability of one or either of said persons to transmit  
25 messages from divine entities and Ascended Masters to man-  
26 kind were false and that all of said designated persons were  
27 mortal persons without any supernatural powers."

28 That said allegation shows on its face that the  
29 Government cannot and will not attempt to offer proof that  
30 said alleged representation was false and fraudulent  
31 because there is no exact standard of absolute truth by  
32 which to prove the representation false and a fraud; that said

1 charge is prejudicial to these defendants in that the said  
2 allegation is a matter of conjecture, opinion and concerns  
3 spiritual and ethereal matters which will cause and permit  
4 the jury to speculate as to the truth or falsity of said  
5 alleged representation when the belief of the defendants in  
6 the said alleged representations is the only material issue;  
7 that said allegation will confuse the issues and create undue  
8 prejudice against these defendants in that it will cause and  
9 permit the jury to decide the truth or falsity of said alleged  
10 representations upon their concept of spiritual matters or  
11 scepticism in the absence of evidential proof;

12 That paragraph 13 of said indictment and each  
13 and every count thereof charges the defendant, Edna W. Ballard,  
14 under the aliases Saint Germain, Jesus, Joan of Arc and  
15 Chanera.

16 That charging the defendant, Edna W. Ballard,  
17 with the alias Jesus is prejudicial to these defendants  
18 and will so appeal to the passion and prejudice of the jury  
19 as to prevent a fair and impartial trial of these defendants;  
20 that said charge of said Edna W. Ballard with the alias Jesus  
21 will create and place an atmosphere of sacrilege about said  
22 defendants which will be offensive to a Christian jury  
23 and will result in undue prejudice to these defendants.

24 VIII

25 That paragraph 14 of Count I of said indictment  
26 and each and every count thereof charges and alleges that  
27 defendants falsely and fraudulently represented that the  
28 teachings and principles published and promulgated by the  
29 defendants under the movement "I AM" were the only channels  
30 through which spiritual teachings of the Ascended Masters  
31 would be given to the world and that defendants represented  
32 that the teachings were absolutely essential to the salvation

1 of mankind when defendants knew that said teachings and pre-  
2 cepts were not absolutely essential to the salvation of  
3 mankind;

4 That said allegation shows on its face that the  
5 Government cannot and will not attempt to offer proof that  
6 said alleged representation was false and fraudulent because  
7 there is no exact standard of absolute truth by which to prove  
8 the representation false and a fraud; that said charge is  
9 prejudicial to these defendants in that said allegation is  
10 a matter of conjecture, opinion and concerns spiritual  
11 or ethereal matters which will cause and permit the jury  
12 to speculate as to the truth or falsity of said alleged  
13 representation when the belief of the defendants in the said  
14 alleged representations is the only material issue; that said  
15 allegation will confuse the issues and create undue prejudice  
16 against these defendants in that it will cause and permit the  
17 jury to decide the truth or falsity of said alleged representa-  
18 tions upon their concept of spiritual matters or scepticism  
19 in the absence of evidential proof;

20 IX

21 That paragraph 19 of Count I of said indictment  
22 and each and every count thereof charges and alleges that  
23 defendants falsely and fraudulently represented that books  
24 published and sold by said defendants were the result of  
25 divine visitation and dictations by Saint Germain and  
26 other alleged supernatural entities appearing in various  
27 supernatural visitations to said defendants and said books  
28 contained divine instructions for the salvation of Man; that  
29 the Ascended Masters communicated to mankind solely through  
30 the medium of the defendants and that defendants sold said  
31 books well knowing that said books were not divinely inspired  
32 but were in fact the writings of one or more designated



1 defendants "together with plagiarisms from occult and meta-  
2 physical writings of others."

3 That said allegation shows on its face that the  
4 Government cannot and will not attempt to offer proof that  
5 said alleged representation was false and fraudulent because  
6 there is no exact standard of absolute truth by which to prove  
7 the representation false and a fraud; that said charge is  
8 prejudicial to these defendants in that said allegation is  
9 a matter of conjecture, opinion and concerns spiritual or  
10 ethereal matters which will cause and permit the jury to  
11 speculate as to the truth or falsity of said alleged representa-  
12 tion when the belief of the defendants in the said alleged  
13 representations is the only material issue; that said allegation  
14 will confuse the issues and create undue prejudice against  
15 these defendants and that it will cause and permit the jury  
16 to decide the truth or falsity of said alleged representations  
17 upon their concept of spiritual matters or scepticism, in the  
18 absence of evidential proof.

19 The latter allegation of said paragraph which  
20 charges "but were in fact the writings of one or more of  
21 said designated defendants, together with plagiarisms from  
22 occult and metaphysical writings of others" is prejudicial  
23 to these defendants and is immaterial and irrelevant to the  
24 issue of whether or not these defendants in good faith believed  
25 that said writings were divinely inspired; that said charge  
26 of plagiarism from occult and metaphysical writings of others  
27 is prejudicial and creates a confusion of issues; that said  
28 words "plagiarism, occult and metaphysical" are redundant,  
29 immaterial and irrelevant and is an attempt to lead the jury to  
30 believe that defendants' beliefs were not matters concerning  
31 religious worship;  
32

XII

That paragraph 20 of Count I of said indictment and each and every count thereof charges and alleges that defendants over a period of six years prior to the return of this indictment, published and sold magazines, books, letters, edicts and decrees on the false representations that said writings were "divinely inspired and dictated by supernatural entities or Ascended Masters" and were a part of the medium by which persons could obtain salvation; that said paragraph concludes with the allegations that defendants well knew that all of said publications were "man written."

That said allegation shows on its face that the Government cannot and will not attempt to offer proof that said alleged representation was false and fraudulent because there is no exact standard of absolute truth by which to prove the representation false and a fraud; that said charge is prejudicial to these defendants in that the said allegation is a matter of conjecture, opinion and concerns spiritual or ethereal matters which will cause and permit the jury to speculate as to the truth or falsity of said alleged representation when the belief of the defendants in the alleged representations is the only material issue; that said allegation will confuse the issues and create undue prejudice against these defendants in that it will cause and permit the jury to decide the truth or falsity of said alleged representations upon their concept of spiritual matters or scepticism in the absence of evidential proof;

That the allegation that writings and compositions were "man written" is confusing, unfair and prejudicial in that an attempt is made to allege by inference that defendants claimed the books were actually printed and written by Ascended Masters when in fact proof, if presented, will be

1 offered only to show that the defendants claimed, if anything,  
2 that said writings and compositions were divinely inspired  
3 or the result of divine presentments;

4 XIII

5 Paragraph 21 of Count I of said indictment and  
6 each and every count thereof charges and alleges that the  
7 defendants represented that solely by reason of their teachings  
8 in the "I AM" movement and "by reason of their divine power  
9 and influence" the United States of America was saved from  
10 destruction and that by divine inspiration defendants had  
11 been accorded the ability to maintain the sovereignty and  
12 welfare of said United States when defendants well knew  
13 that the welfare and safety of the United States did not  
14 depend upon persons following the teachings of defendant  
15 or their movement.

16 Said allegation shows on its face that the Government  
17 cannot and will not attempt to offer proof that said alleged  
18 representation was false and fraudulent because there is no  
19 exact standard of absolute truth by which to prove the repre-  
20 sentation false and a fraud; that said charge is prejudicial  
21 to these defendants in that the said allegation is a matter  
22 of conjecture, opinion and concerns spiritual and ethereal  
23 matters which will cause and permit the jury to speculate  
24 as to the truth or falsity of said alleged representations  
25 when the belief of the defendants in the said alleged repre-  
26 sentations is the only material issue; that said allegation  
27 will confuse the issues and create undue prejudice against  
28 these defendants in that it will cause and permit the jury  
29 to decide the truth or falsity of said alleged representa-  
30 tions upon their concept of spiritual matters or scepticism  
31 in the absence of evidential proof.  
32



XIV

Paragraph 22 of Count I of said indictment charges and alleges that defendants under the guise of Americanism and as a subterfuge represented that their organization and teachings were primarily educational and were of a patriotic nature and that defendants well knew that they had no sincere foundation for such representation but utilized the patriotic gesture as a part of the program to mislead persons for the purpose of selling symbols, articles and flag pins in order that the defendants might enrich themselves.

Such allegation is redundant, irrelevant and immaterial to a charge of using the mails to defraud and is highly inflammatory and will incite prejudice and passion on the part of the jury; that said allegation has no place in this indictment and will prevent these defendants from having a fair trial by reason of the hysteria now present in our country concerning patriotic matters; that said allegation is prejudicial and will confuse the issues in that a collateral issue is raised as to the patriotism of these defendants when the issue for the jury is whether defendants believed that the teachings of their organization were in fact educational and of a patriotic nature.

XV

Paragraph 26 of Count I of said indictment and each and every count thereof charges and alleges that defendants falsely represented that a catyclysm or the end of the world was approaching within the life span of persons now living and that there was no necessity to save money or other things of value and that the followers should withdraw their funds from banks, life insurance companies and other financial institutions accepted by normal persons as safe places for the deposit of their money and that defendants had no reason

1 to believe that the end of the world or a catacylsm was  
2 about to occur.

3 Said allegation shows on its face that the Government  
4 cannot and will not attempt to offer proof that said alleged  
5 representation was false and fraudulent because there is no  
6 exact standard of absolute truth by which to prove the  
7 representation false and a fraud; that said charge is  
8 prejudicial to these defendants in that the said allegation  
9 is a matter of conjecture, opinion and concerns spiritual  
10 and ethereal matters which will cause and permit the jury  
11 to speculate as to the truth or falsity of said alleged  
12 representation when the belief of the defendants in the said  
13 alleged representations is the only material issue; that said  
14 allegation will confuse the issues and create undue prejudice  
15 against these defendants in that it will cause and permit the  
16 jury to decide the truth or falsity of said alleged repre-  
17 sentations upon their concept of spiritual matters or  
18 scepticism in the absence of evidential proof;

19 That said allegation concerning financial insti-  
20 tutions "accepted by normal persons" is irrelevant and im-  
21 material to the charge of using the mails to defraud and is  
22 prejudicial to these defendants in that the jury will be  
23 confused with respect to the issue of good faith of the  
24 defendants concerning the alleged representations and will  
25 be led to judge the defendants by the so-called standard  
26 of normal persons and the acts, if any, of withdrawal of  
27 funds from institutions by persons when the issue in fact  
28 is whether or not defendants honestly believed that a  
29 catycylsm or the end of the world was approaching;

30 XVI

31 Paragraph 27 of Count I of said indictment and  
32 each and every count thereof charges and alleges that

1 defendants falsely represented that absolute sex continence  
2 should be had by their followers "notwithstanding that many  
3 of said followers were happily married persons of normal  
4 conditions" and "that there was no time left for the rearing  
5 of children" and that if any of such followers did not obey  
6 such command requiring absolute sex continence, they would be  
7 condemned.

8       Said paragraph then alleges that "by reason of  
9 such teachings, many of the followers of said movement separated  
10 and divorced and practiced such sex continence; that the  
11 defendants and each of them counselled that divorce should be  
12 had among the followers of said movement notwithstanding the  
13 fact that children of tender years of said followers  
14 were dependent upon them for maintenance of a happy homelife  
15 and for the education of such children and defendants did  
16 by their teachings cause the breaking up of homes among many  
17 of their followers.

18       Said paragraph contains irrelevant, immaterial  
19 and inflammatory allegations which will unduly prejudice  
20 the jury against these defendants and prevent them from  
21 having a fair and impartial trial; that said allegations  
22 that by reason of defendants' teachings "many of the followers  
23 of said movement separated and divorced" is irrelevant,  
24 immaterial and prejudicial in that it results in undue  
25 prejudice against these defendants and confuses the issues  
26 and will lead the jury to disregard the issue of good faith  
27 of defendants in the belief of the alleged representations  
28 and determine the case upon the alleged effect of such  
29 teachings, namely, that of separation and divorce; that the  
30 allegation in said paragraph that defendants did by their  
31 teachings "cause the breaking up of homes among many of their  
32 followers" is irrelevant, immaterial, prejudicial and



1 inflammatory and will deprive these defendants of a fair and  
2 impartial trial and that said allegation or proof thereof  
3 is irrelevant and immaterial to a charge of using the mails  
4 to defraud and will cause said jurors to be biased and  
5 prejudiced against these defendants to such an extent that  
6 this court will be unable to dispel by instructions such  
7 passion and prejudice on the part of the jury and will thereby  
8 prevent an unbiased deliberation by the jury of the truth  
9 of the charge.

10 XVII

11 Paragraph 28 of Count I of said indictment and  
12 each and every count thereof charges and alleges that the  
13 defendants represented that by following the teachings of  
14 the "I AM" movement, there would be accorded to those  
15 persons accepting such doctrines and teachings, a condition  
16 of harmony, benevolence and kindness toward mankind and would  
17 prevent said followers from having ill thoughts or manifesting  
18 belligerent actions toward their fellowman and that defendants  
19 well knew that the movement "could not impart such harmonious  
20 characteristics among those who accepted said teachings"  
21 but that the followers thereof would be subjected to  
22 normal spirits of temper and animosity toward their fellow  
23 man; and in truth and in fact the defendants and each of them  
24 during the periods set forth in this indictment bitterly  
25 quarreled among themselves, using vile and abusive language  
26 toward each other and have exhibited a vindictive and  
27 belligerent attitude toward those who criticised the  
28 teachings of the "I AM" movement and have threatened persons  
29 with bodily harm; have engaged in physical fights among one  
30 another and with persons who were not followers of said  
31 movement and have "failed to exemplify harmonious and brotherly  
32 love attitude toward the public in general."

1           Said paragraph contains irrelevant, immaterial  
2 and highly inflammatory matter which apparently is designed  
3 to appeal to the prejudice and passion of the jury; said  
4 allegations concerning the temper, animosity, quarrels,  
5 language, attitude and alleged physical acts of violence  
6 are immaterial to the charge of using the mails to defraud;  
7 that such allegations or proof thereof are scurrilous,  
8 scandalous, defamatory and ridiculous and will confuse the  
9 issues to be determined by the jury and create undue prejudice  
10 against these defendants; that said allegations are argumenta-  
11 tive, highly colored, smack of opinion, conjecture and ridicule  
12 and have no purpose or reason for being placed in an indictment  
13 charging defendants with use of the mails to defraud in  
14 making representations concerning religious matters; that  
15 said allegations are reckless and careless of the rights of  
16 the defendants charged before this court and that said  
17 defendants cannot expect a fair trial before a jury who is  
18 permitted to read such vindictive, redundant and abusive  
19 discourse; that this court will be unable to dispel by  
20 instruction the prejudice and passion created by such an  
21 allegation which is immaterial and which will induce the jury  
22 to completely overlook the issue of the good faith of the  
23 defendants in their alleged beliefs concerning the repre-  
24 sentations alleged to have been made; that said allegations  
25 will lead the jury to believe that these defendants are upon  
26 trial for their alleged failure to exemplify a harmonious at-  
27 titude or brotherly love toward the public in general  
28 instead of the good faith of their alleged representations.

29                                   XVIII

30           Paragraph 29 of Count I of said indictment and  
31 each and every count thereof charges and alleges that the  
32 defendants falsely represented that any person who criticised

1 or questioned the teachings of the defendants would be  
2 denounced and punished by the Ascended Masters when the  
3 defendants well knew that said criticism or questioning of  
4 said teachings would not be punished by the Ascended Masters.

5 Said allegation shows on its face that the  
6 Government cannot and will not attempt to offer proof that said  
7 alleged representation was false and fraudulent because there  
8 is no exact standard of absolute truth by which to prove  
9 the representation false and a fraud; that said charge is  
10 prejudicial to these defendants in that the said allegation  
11 is a matter of conjecture, opinion and concerns spiritual  
12 and ethereal matters which will cause and permit the jury to  
13 speculate as to the truth or falsity of said alleged repre-  
14 sentation when the belief of the defendants in the said  
15 alleged representations is the only material issue; that said  
16 allegation will confuse the issues and create undue prejudice  
17 against these defendants in that it will cause and permit  
18 the jury to decide the truth or falsity of said alleged  
19 representations upon their concept of spiritual matters or  
20 scepticism in the absence of evidential proof.

21 XIX

22 Paragraph 31 of Count I of said indictment  
23 charges and alleges that defendants intended to "cheat, wrong  
24 and defraud persons intended to be defrauded and to obtain  
25 money and property and to convert the same to the use and  
26 benefit of the defendants \* \* \* to enrich themselves from  
27 the class of persons above described \* \* \* intended to and  
28 did convert to themselves under the guise and pretense of  
29 salary loans, bonuses, love gifts, donations, expensive and  
30 luxurious living accommodations and expensive traveling  
31 facilities."



1 fraud case is frequently cited. We feel that the language noted on  
2 page 314 has some significance.

3 "It was with the purpose of protecting  
4 the public against all such intentional efforts to  
5 despoil, and to prevent the post office from being  
6 used to carry them into effect, that this statute  
7 was passed; and it would strip it of value to confine  
8 it to such cases as disclose an actual misrepresen-  
9 tation as to some existing fact, and exclude those  
10 in which is only the allurements of a specious and  
11 glittering promise."

12 III.

13 Your Honor is, of course, fully familiar with several cases  
14 where the expression "reckless disregard as to whether the representa-  
15 tions were false or true" is emphasized in connection with mail  
16 fraud cases, or the rule "indifference to the truth of the repre-  
17 sentation".

18  
19 WILLIAM FLEET PALMER,

20 United States Attorney.

21 RALPH A. LAZARUS,

22 NORMAN W. NEUKOM,

23 Assistant United States

24 Attorneys.

25 By   
26  
27  
28  
29  
30  
31  
32

1 That said allegations charging that the defendants  
2 intended to convert and did convert and enrich themselves are  
3 prejudicial surplusage and are immaterial to a charge of using  
4 the mails to defraud; that the intent to convert or the  
5 conversion by defendants of the alleged moneys or other  
6 things of value are irrelevant and immaterial to a charge of  
7 using the mails to defraud.

8 WHEREFORE, defendants pray that this indictment  
9 be quashed and that they will not be called upon to plead  
10 further.

11 *W. H. Carr*  
12 Charles H. Carr  
13 Attorneys for defendants.

14  
15 STATE OF CALIFORNIA )  
16 ) ss.  
17 COUNTY OF LOS ANGELES )

18 PAUL STICKELL being first duly sworn,  
19 on oath, deposes and says: That he is the petitioner and one  
20 of the defendants in the above entitled action; that he  
21 has read the Motion to Quash the indictment and knows the  
22 contents thereof; that the same is true of his own knowledge,  
23 except as to those matters which are therein stated on his  
24 information and belief, and as to those matters, he believes  
25 it to be true.

26 *Paul Stickell*

27 Subscribed and sworn to before me  
28 this 26<sup>th</sup> day of September, 1940.

29 *Aimee Schaff*

30 NOTARY PUBLIC  
In and for the County of Los Angeles, State of California

31 My Commission Expires February 28, 1944  
32

1 W. I. GILBERT  
2 CHARLES H. CARR  
3 458 South Spring Street  
4 Los Angeles, California  
5 Michigan 2808  
6 Attorneys for defendants.

7 IN THE DISTRICT COURT OF THE UNITED STATES  
8 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
9 CENTRAL DIVISION

10 UNITED STATES OF AMERICA )

11 vs. )

12 EDNA W. BALLARD, et al. )

No. 14496 BH

POINTS AND AUTHORITIES IN  
SUPPORT OF MOTION TO QUASH

13  
14  
15 The following points and authorities are herewith  
16 submitted for and on behalf of the defendants in support  
17 of their Motion to Quash in the above entitled case:

18 ALLEGATIONS IN AN INDICTMENT WHICH ARE SURPLUSAGE  
19 AND PREJUDICIAL CONSTITUTE GROUNDS FOR QUASHING  
20 THE INDICTMENT.

21 Stewart v. United States, 8 Cir. 119 F. 89, 96.  
22 Beck v. United States, 8 Cir. 33 F. (2d) 107, 110.  
23 United States v. American Medical Association,  
24 et al., (D.C. D.C.) 28 F.Supp. 752, 757; Rev. 110  
25 F. (2d) 703, 60 S. Ct. 131.

26  
27 ALLEGATIONS OF MATTERS OF OPINION UPON SUBJECTS WHICH  
28 ARE NOT CAPABLE OF PROOF AS TO THEIR FALSITY.

29 American School of Magnetic Healing v. McAnnulty,  
30 187 U. S. 94, 23 S. Ct. 33, 37.



1 "Because the complainants might or  
2 did claim to be able to effect cures by reason  
3 of working upon and affecting the mental powers of  
4 the individual, and directing them towards the  
5 accomplishment of a cure of the disease under which  
6 he might be suffering, who can say that it is a fraud  
7 or a false pretense or promise within the meaning  
8 of these statutes? How can anyone lay down the limit  
9 and say beyond that there are fraud and false pre-  
10 tenses? The claim of the ability to cure may be  
11 vastly greater than most men would be ready to  
12 admit, and yet those who might deny the existence  
13 or virtue of the remedy would only differ in opinion  
14 from those who assert it. There is no exact standard  
15 of absolute truth by which to prove the assertion  
16 false and a fraud. We mean by that to say that the  
17 claim of complainants cannot be the subject of proof  
18 as of an ordinary fact; it cannot be proved as a  
19 fact to be a fraud, or false pretense or promise,  
20 nor can it properly be said that those who assume  
21 to heal bodily ills or infirmities by a resort to  
22 this method of cure are guilty of obtaining money  
23 under false pretenses, such as are intended in the  
24 statutes, which evidently do not assume to deal  
25 with mere matters of opinion upon subjects which are  
26 not capable of proof as to their falsity. We may  
27 not believe in the efficacy of the treatment to the  
28 extent claimed by complainants, and we may have  
29 no sympathy with them in such claims, and yet their  
30 effectiveness is but matter of opinion in any court."  
31  
32

1 IMMUNITY OF INDIVIDUALS FROM IMPOSITION OF PENALTIES  
2 FOR OFFENDING IN THE COURSE OF RELIGIOUS ACTIVITIES

3 Amendment I to the Constitution of the United  
4 States;

5 Cantwell v. State of Connecticut, 60 S. Ct. 900, 906  
6

7 "In the realm of religious faith, and  
8 in that of political belief, sharp differences  
9 arise. In both fields the tenets of one man  
10 may seem the rankest error to his neighbor.  
11 To persuade others to his own point of view,  
12 the pleader, as we know, at times, resorts to  
13 exaggeration, to vilification of men who have  
14 been, or are, prominent in church or state,  
15 and even to false statement. But the people  
16 of this nation have ordained in the light of  
17 history, that, in spite of the probability  
18 of excesses and abuses, these liberties are,  
19 in the long view, essential to enlightened  
20 opinion and right conduct on the part of the  
21 citizens of a democracy."  
22

23 Minersville School District v. Gobitis, 60 S. Ct.  
24 1010, 1012, 1013

25 "Certainly the affirmative pursuit of  
26 one's convictions about the ultimate mystery  
27 of the universe and man's relation to it is  
28 placed beyond the reach of law. Government  
29 may not interfere with organized or individual  
30 expression of belief or disbelief. Propagation  
31 of belief - or even of disbelief in the super-  
32 natural - is protected, whether in church or

1 chapel, mosque or synagogue, tabernacle or  
2 meetinghouse. Likewise the Constitution  
3 assures generous immunity to the individual  
4 from imposition of penalties for offending,  
5 in the course of his own religious activities,  
6 the religious views of others, be they a  
7 minority or those who are dominant in govern-  
8 ment.

9 "But, because in safeguarding conscience  
10 we are dealing with interests so subtle and so  
11 dear, every possible leeway should be given to  
12 the claims of religious faith."  
13

14 Reynolds v. United States, 98 U. S. 163, 25 L. Ed.  
15 244, 249.

16 Post v. United States, 5 Cir. 135 F. 1.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32



IN THE DISTRICT COURT OF THE UNITED STATES  
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDNA W. BALLARD, et al.,

Defendants.

No. 14496-BH

REPLICATION TO MOTION TO QUASH

The government submits the following to defendants' second motion to quash the indictment:

I.

This second motion attacks the indictment primarily upon the grounds that it contains superfluous allegations which it is contended are of a prejudicial nature, defamatory and scurrilous. It is true other grounds are raised.

In this connection, the government submits that the indictment meets the test of stating an offense and further submits that the attack now had on the indictment is a matter, which, if tenable at all, should be reserved until the close of the government case in a motion to dismiss rather than as a ground for quashing the indictment.

\* \* \* \* \*

The government feels with sincerity that each and every allegation contained in the indictment is material, and that it will be able to offer evidence to prove all of the numbered paragraphs contained in the first count, and as realleged in the following counts; that none of such paragraphs were intentionally "colored", nor was any of the language placed therein for an inflammatory purpose. The very nature of the case is one which required the allegations which exist. If they appear to be prejudicial or in the tenor now urged by the defendants, they are such due entirely

NWN:VM  
7-1404

1 to the fact that they set forth the representations the defendants  
2 actually have made during the course of their activities, and con-  
3 sequently they cannot now complain because they are charged with  
4 doing that which they now contend appears to be of a prejudicial  
5 nature.

6  
7 II.

8 RELIGIOUS ISSUE

9 The indictment is attacked upon the ground that the  
10 constitutional rights of the defendants as guaranteed by the First  
11 Amendment is being infringed upon.

12 In drafting this indictment, those representing the govern-  
13 ment were fully aware of the guarantees of religious freedom as  
14 provided for by the First Amendment, and we now state that there  
15 is no desire upon the part of the prosecution to persecute these  
16 defendants, or any other persons, because of their religious beliefs.

17 We accept the responsibility of trying this case as a mail  
18 fraud case, realizing that we must establish that the defendants  
19 entered into the scheme to defraud in bad faith, and that in pur-  
20 suance thereof the mails of the United States were utilized.

21 There will be no attempt to prosecute the defendants because  
22 of the seeming preposterousness or fantastic aspects of the movement  
23 they have promulgated. This is not an attack upon the doctrines or  
24 precepts of the I AM movement as such.

25 *Also see:*

26 NINTH CIRCUIT COURT CASE

*Crane v. U.S. 259 Fed 480  
(9th Cir)*

27 We feel that the contentions urged in this motion have been  
28 directly passed upon in this circuit by the case of:

29 New v. United States  
30 245 Fed. 710 (9th Circuit)

31 In the above case, the defendant was convicted of engaging in a  
32 scheme to defraud by the use of the Post Office establishment in

1 a venture of a religious nature. The facts and allegations in that  
2 case are in many respects similar to the allegations contained in this  
3 indictment. New represented that he had obtained a supernatural state  
4 of immortality; that he had power to conquer disease, death, poverty  
5 and misery, and could transmit these powers on to others willing to  
6 pay therefor. Certain other representations were made.

7 New demurred to the indictment and filed a motion to quash,  
8 contending that the indictment contravened the constitutional provision  
9 securing to every citizen the right of religious freedom. The Court  
10 clearly pointed out that notwithstanding the provision of the con-  
11 stitution guaranteeing the right of religious freedom, a person could  
12 be guilty of executing a scheme to defraud by the use of the mails  
13 even though the subject matter involved was that of a religious nature,  
14 and sustained the conviction. In other words, the question there was  
15 and is here, not an attack upon the philosophy or teachings, but  
16 whether or not such representations were sponsored in good faith, or  
17 were a masquerade, utilized in the perpetration of the scheme to  
18 defraud.

19 \* \* \* \* \*

20 While we agree that this may be begging the question, it is  
21 timely to call the Court's attention to the fact that the government  
22 will offer substantial evidence wherein the principal defendants have  
23 admitted through their own statements, and by their own actions, that  
24 the doctrines they are sponsoring are not of a religious nature.

25  
26 III.

27 A case of similar effect to the New case, involving occult or  
28 metaphysical practices wherein the mails were used in furtherance of  
29 a scheme to defraud:

30 United States v. Schlatter  
31 235 Fed. 381 (S. D. Cal.,  
32 Judge Bledsoe)

In the above case, two individuals were indicted for selling



1 allegedly "blessed handkerchiefs" which they claimed would cure  
2 persons of ailments. A demurrer was filed upon the ground that the  
3 defendants contended that they professed to be nothing more or less  
4 than divine healers, and that such healing had been practiced since  
5 the time of Christ and was well recognized. The Court conceded that  
6 mental healing was recognized by some persons, but made the following  
7 pertinent observations:

8 "But it is not true, never has been true, and never will  
9 be true, that fraud can be glossed over or rendered  
10 reputable in the eyes of the community merely because  
11 it is associated with, or a feature of, some under-  
12 taking otherwise lawful in its nature and innocuous  
13 in its effect. In other words, the mere fact that a  
14 fraudulent scheme centers about divine or other healing  
15 does not in any wise or sense serve to take it out of  
16 the domain of a fraudulent scheme, and if, in further-  
17 ance of such a scheme conceived in fraud, the mails of  
18 the United States are made use of, without doubt, by  
19 whomsoever conceived or consummated, the perpetrators  
20 of such schemes should receive prompt and merited con-  
21 demnation and punishment. It is therefore no answer  
22 to the crime charged in this indictment to assert  
23 that the defendants were engaged in the praiseworthy  
24 vocation of divine healing."

25 See also:

26 United States v. Calwer  
27 292 Fed. 1007 (Sale of  
28 charms to avoid evil spirits)

29 IV.

30 SURPLUSAGE, IF THE SAME EXISTS, MAY BE DISREGARDED

31 Silkworth v. United States  
32 10 F. (2d) 711, (2nd Cir.)

Maresca v. United States  
277 Fed. 727

To the same effect:

Roberts, et al., v. United States  
96 F. (2d) 39 (8th Circuit)

V.

IT IS WELL SETTLED THAT A MOTION WILL NOT  
LIE TO STRIKE PART OF THE INDICTMENT.

Katz, et al., v. United States  
273 Fed. 157, Cert. Den. 257  
U. S. 641.

The Court held that there could not be stricken from the indictment an allegation therein objected to by the defendants. The foregoing case is also to point in that the indictment contained what would normally be considered a very prejudicial statement in that it set forth that three co-defendants of the defendants were not indicted because they had been already convicted; but the Court held that it was not shown that this allegation was so prejudicial as to require a reversal of the conviction.

To the same effect:

Ex-Parte Bain  
121 U.S. 1

and

Ford v. United States  
273 U. S. 593

wherein it was held that a part of an indictment may be treated as surplusage and rejected, but it may not be stricken out.

VI.

IF A PORTION OF THE INDICTMENT IS NOT SUSTAINED BY  
THE EVIDENCE, THAT PART OF THE CHARGE MAY BE WITHDRAWN  
FROM CONSIDERATION OF THE JURY ON THAT GROUND.

Salinger v. United States  
272 U. S. 542

(The foregoing case was a mail fraud case where the scheme to defraud as set forth in the indictment was manifold in that it comprehended

1 several relatively distinct plans for fleecing intended victims, and  
2 the Court withdrew from the jury all of these plans excepting one.)

3  
4 VII.

5 DEFENDANTS' CASES

6 Stewart v. United States  
119 Fed. 89

7 The foregoing case does not sustain defendants' position  
8 that the indictment should be quashed for prejudicial matter, as a  
9 clear reading of the case will disclose that it was quashed because  
10 it had so many redundant and immaterial allegations as to render it  
11 almost unintelligible, and because also the indictment did not  
12 clearly show that the letter was deposited in the mail in execution  
13 of the alleged scheme to defraud.

14 Beck v. United States  
33 F. (2d) 107

15  
16 The foregoing case cited by the defendants likewise does not  
17 support the position that a motion to quash lies for alleged prejudi-  
18 cial allegations. The case was reversed primarily because of mis-  
19 conduct of counsel, although there is a statement in the opinion  
20 that a blanket allegation in general terms of false promises and  
21 representations in the indictment is bad pleading, and should be  
22 treated as surplusage. The Court did not favor the "shotgun"  
23 clause.

24 In the present indictment, we find that the alleged repre-  
25 sentations are very specific and the government submits that they all  
26 are pertinent and were made by the defendants in the course of their  
27 activities in executing the scheme to defraud, and as a means of  
28 acquiring domination and control over the followers, so as to cause  
29 them to give their moneys to the defendants or to purchase books and  
30 other paraphernalia the defendants offered for sale.

31 United States v. American Medical Assn.  
28 Fed. Supp. 752



1           This case cited by the defendants is an opinion by the District  
2 Court of the District of Columbia, sustaining a demurrer to an indictment  
3 brought against the Medical Association under the Sherman Anti-Trust Act.  
4 It is true that in the foregoing case the Court points out that the  
5 language of an indictment should be confined to essential facts, and  
6 also points out at page 757:

7           "Ordinarily improper matter in the inducement, un-  
8 necessary to support the charge, will not vitiate an  
9 indictment. It will be treated as surplusage and  
10 disregarded."

11 The Court did, however, point out that the indictment therein was so  
12 highly colored and argumentative that it would likely prejudice the  
13 defendants.

14           It is submitted that a different situation exists in the present  
15 case. The defendants here are charged with dealing in, as it were,  
16 doctrines, representations of healing ability, power of precipitation,  
17 and the ability to transmit this power to others, etc., etc.

18           It is no ground for their present complaint to say that many  
19 persons may not approve of their representations, i.e., if these  
20 representations were made by them in bad faith, as is alleged, and as  
21 a part of their scheme to defraud.

22           It may be true that many persons will not agree with, and many  
23 disapprove of certain of the representations the defendants are alleged  
24 in the indictment to have made; however, that is a matter that cannot  
25 be avoided. We recognize that there is a varied difference of opinion  
26 on religious issues, or on any other philosophical ideas. But the  
27 defendants are not being charged with an offense because of any alleged  
28 beliefs.

29           The point urged in the motion is one that can be appropriately  
30 covered by the Court during the course of trial, and in its ultimate  
31 instructions to the jury, but is not a legitimate ground for quashing  
32 the indictment.

1 If the proposition now being urged by the defendants were  
2 tenable, one could readily, then, pretend to deal in any matter of  
3 a religious, metaphysical, and philosophical nature, could use this  
4 vehicle as a perfect protection in his scheme to defraud, and when  
5 prosecuted, always urge that he had a perfect right to his opinions,  
6 and because he was dealing in a religious subject, he could not be  
7 prosecuted. Obviously, this position is untenable under the mail  
8 fraud statute.

9 American School of Magnetic Healing v. McAnnulty,  
10 187 U. S. 94.

11 The government has no quarrel with the language quoted by the defendant  
12 from the last mentioned case. In this case the Court overruled a  
13 demurrer filed by the Postmaster General who had stopped the delivery  
14 of mail to the school involved because of its alleged fraudulent  
15 practices. It is to be noted, however, that the decision clearly  
16 points out on page 101 that the Postmaster General will not be  
17 precluded from showing at the trial, if he can, that business  
18 conducted by the school was in fact fraudulent.

19 VIII.

20 REMAINING CASES CITED BY DEFENDANTS

21  
22 The government has no argument with the cases cited by the  
23 defendant which deal with religion as such. In fact, we fully  
24 recognize the guarantee afforded by the First Amendment to the  
25 Constitution, subject, however, to the right as expressed in the  
26 New case, supra.

27 IN CONCLUSION, it is respectfully submitted:

- 28 1. That the motion to quash should be denied.  
29 2. That each and every allegation contained in the indictment  
30 is essential and contains allegations of representations made by  
31 the defendants in pursuance of their scheme to defraud.  
32 3. That each allegation will be supported by evidence, and the

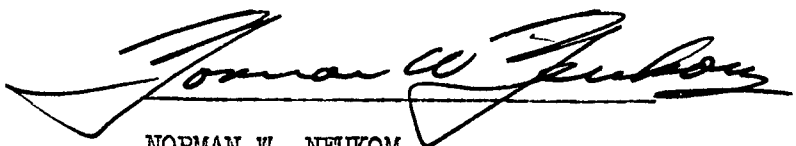
1 government feels that it is prepared to show that the defendants did  
2 not in good faith make the representations set forth. The government  
3 will show by direct and circumstantial evidence that such representa-  
4 tions were made in pursuance of the scheme to defraud and as a means  
5 of acquiring domination and hypnotic control over the followers. It  
6 is true that certain of the representations may appear to be difficult  
7 to prove in a mathematically certain manner. This is a matter of  
8 opinion, and in fact is a question for the jury.

9 The government submits that all the allegations are susceptible  
10 of proof by direct and circumstantial evidence, and by course of  
11 conduct of the defendants, and further submits that it is no objection  
12 to an allegation to say that there is no exact standard of absolute  
13 truth by which the allegations may be proved. If this position were  
14 tenable, such objection could be interposed to any charge.

15  
16 Respectfully submitted,

17 WM. FLEET PALMER  
18 United States Attorney

19 RALPH E. LAZARUS  
20 Assistant United States Attorney

21 

22 NORMAN W. NEUKOM  
23 Assistant United States Attorney  
24  
25  
26  
27  
28  
29  
30  
31  
32



IN THE DISTRICT COURT OF THE UNITED STATES  
SOUTHERN DISTRICT OF CALIFORNIA  
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs

No. 14,496-Y  
Criminal

EDNA W. BALLARD, DONALD BALLARD,  
BETTY MUNDY, FRANK VON DERHOYA,  
CHARLES SINDELAR, PEARL SINDELAR,  
PAUL STICKELL, LOUISE MAJERUS,  
WILLIAM J. CASSIERE,

COURT'S INSTRUCTIONS  
TO THE JURY

Defendants.

Given

Judge

Gen Cr -2

During the course of the trial, the court at various times has asked questions of certain witnesses including the defendants. The object of the court in so doing was to bring out in greater detail certain of the facts not yet fully testified to by the particular witness. While, as I stated, I have the right to express my opinion on the facts, I do not choose to do so in this case. You are not to infer from the questions asked by me that I have any opinion as to the facts to which the questions related. If from these questions you have formed the inference that I have an opinion as to the particular facts to which the questions related, it is your right to treat them as opinions which you are at liberty to disregard in arriving at your own conclusion as to the particular facts or as to other facts in the case.

224  
This applies also to the admonitions I have felt it my duty to direct to counsel at various times. The admonitions were motivated by the duty imposed upon me by <sup>the and constitution</sup> law to see that the trial is conducted according to the principles of law, of which the judge is the guardian. You are not to infer from these admonitions that I have any opinion ~~as to~~ <sup>to</sup> the ultimate conclusion to be reached by you in this case.

Judge

xy

Gen Cr - 3

You are here for the purpose of trying the issues of fact that are presented by the allegations in the indictment and the plea of the defendants thereto. This duty you should perform uninfluenced by pity for the defendants or ~~either~~<sup>any</sup> of them or by passion or prejudice on account of the nature of the charge against them. You are to be governed, therefore, solely by the evidence introduced in this trial, and the law as given you by the Court. The law will not permit jurors to be governed by mere sentiment, conjecture, sympathy, passion or prejudice, public opinion or public feeling. Both the ~~public~~<sup>government</sup> and the defendants have a right to demand, and they do so demand and expect, that you will carefully and dispassionately weigh and consider the evidence and the law of the case and give to each your conscientious judgment; and that you will reach a verdict that will be just to both sides, regardless of what the consequences may be.

The offenses with which the defendants are charged are:

USE OF THE MAILS TO DEFRAUD AND CONSPIRACY TO USE THE MAILS TO DEFRAUD.

In this connection, you are instructed that the indictment on file herein is a mere charge or accusation against the defendants, and is not, any evidence of the defendants' guilt and no juror in this case should permit himself to be, to any extent, influenced against the defendants because or on account of such indictment on file.

*The indictment is a mere means of bringing the charge before a court for the determination of its truth by court and jury.*



shall be convinced that notwithstanding the base character of the witness, that he or she has in other particulars sworn to the truth.

Given:

Judge

It is the duty of the jury to decide whether the defendants or ~~either~~<sup>any</sup> of them, be guilty or not guilty of the offense charged, considering all ~~of~~ the evidence submitted to you in the case.

The jury are the sole and exclusive judges of the effect and value of the evidence addressed to them and of the credibility of the witness/<sup>es</sup> who have testified in the case, and the character of the witnesses as shown by the evidence, should be taken into consideration, for the purpose of determining their credibility and the fact as to whether they have spoken the truth. And the jury may scrutinize not only the manner of witnesses while on the stand, their relation to the case, if any, but also their degree of intelligence. A witness is presumed to speak the truth. This presumption, however, may be repelled by the manner in which he testified; his interest in the case, if any, or his bias or prejudice, if any against one or any of the parties, by the character of his testimony or by evidence affecting his character for truth and honesty or integrity or by contradictory evidence; and the jury are the exclusive judges of his credibility.

A witness may also be impeached by evidence that he made, at other times, statements inconsistent with his present testimony as to any matter material to the cause on trial.

A witness false in one part of his or her testimony is to be distrusted in others; that is to say, the jury may reject the whole of the testimony of a witness who has wilfully sworn falsely ~~as~~ to a material point, and the jury, being convinced that a witness has stated what was untrue, not as a result of mistake or inadvertence, but wilfully and with the design to deceive, must treat all of his or her testimony with distrust and suspicion, and reject all ~~unless~~ they

XX

1  
2  
3  
4  
5  
6  
7  
8 ~~You are instructed that~~ your personal opinion  
9 as to the facts not proved cannot be properly considered by  
10 you as the basis for your verdict. You may have some  
11 notions, theories or ideas of your own concerning the  
12 philosophy, concepts or principles advanced by these defen-  
13 dants, but as jurors you can only act upon evidence intro-  
14 duced upon the trial and from that, and that alone, you must  
15 form your verdict.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

26 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_  
27

28 Given: \_\_\_\_\_  
29

30 Refused: \_\_\_\_\_  
31  
32



You are not to consider as evidence or law any argument,, comment or suggestion made by counsel during the trial of this action.

Such statements, arguments, comments or suggestions are not evidence and must not be considered as such by you. You must not consider for any purpose any evidence offered and rejected, or which has been stricken out by the court. Such evidence is to be treated as though you had never heard it. You are to decide this case solely upon the evidence that has been introduced before you and the inferences which you may deduce therefrom as stated in these instructions, and upon the law as given <sup>to</sup> you in these instructions.

XX

Gen Cr 4

Criminal - General

Reasonable Doubt

You are instructed that the law does not require any defendant to prove his innocence, which in many cases might be impossible, but on the contrary, the law requires the Government to establish his guilt and that by legal evidence and beyond a reasonable doubt.

The presumption of innocence with which the defendant is, at all times, clothed is not a mere form to be disregarded by you at pleasure, but ~~that~~ it is an essential, substantial part of the law and binding on you in this case, and it is your duty in this case to give the defendants, *the benefit of the presumption* and each of them, unless the evidence in the case convinces you of their guilt as charged beyond all reasonable doubt.

If you can reconcile the evidence before you upon any reasonable hypothesis consistent with the defendant's innocence, you should do so, and in that case find the defendant not guilty. You cannot find the defendant guilty unless, from all the evidence, you believe him guilty beyond a reasonable doubt.

A reasonable doubt is a doubt based on reason, and which is reasonable in view of all the evidence. And if, after an impartial comparison and consideration of all the evidence, or from a want of sufficient evidence on behalf of the Government to convince you of the truth of the charge, you can candidly say that you are not satisfied of ~~the~~ <sup>a</sup> defendant's guilt, you have a reasonable doubt; but if, after such impartial comparison and consideration of all the evidence you can truthfully say that you have an abiding con-

XX

viction of the defendant's guilt, such as you would be willing to act upon in the more weighty and important matters relating to your own affairs, you have no reasonable doubt.

Reasonable doubt is not a mere possible doubt; because everything relating to human affairs, and depending on moral evidence is open to some possible or imaginary doubt. It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of jurors in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge.

You are instructed that while a defendant in a criminal action is not required to take the stand and testify, yet if a defendant elects to take the stand and testify in his own behalf, his testimony is to be weighed in the same manner and measured according to the same standard as the testimony of any other witness, and the tests for determining credibility of witnesses as given you, in another part of the instructions, are to be applied to his testimony alike with that of all other witnesses.

Y.X



MAIL FRAUD:

Before giving <sup>To</sup> you the more formal instructions relating to the nature of the offenses charged in the indictment against the defendants, I shall repeat, in the form of instructions, certain statements made by me during the course of the trial relating to the function of the Government in matters of belief, and especially in matters of religious <sup>or philosophical</sup> belief.

It is outside of the province of the Government to prove or disprove the verity of anyone's religious or philosophical belief.

Article I of the Bill of Rights of the American Constitution reads:

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press: or the right of the people peaceably to assemble and to petition the government for a redress of grievances."

This establishes one of the great fundamentals upon which our Government is founded, - the absolute separation of religion from the State and of the religious function from governmental function. It implies the freedom of any person to worship his or her God in any way he chooses.

Along with it goes the right to speak freely and write freely on religion, philosophy, or on any other topic without first obtaining governmental permission. The Constitution merely gave expression to a policy which long before the adoption of the Constitution had become a part of the way of life of the colonists.

John Robinson, in his last sermon he preached to the Pilgrims before they sailed for the colonies in 1620, uttered these words:

"If God should reveal to you by any other instrument of His, be as ready to receive it as ever you were to receive a ny truth by my ministry; for I am very confident that the Lord hath more truth and light yet to break forth out of His Holy word."

In it you find a clear recognition that truth <sup>exclusively</sup> and religious matters does not belong to any one person and that religious truths as yet unknown may be revealed through unknown instrumentalities.

Thomas Jefferson wrote in the Virginia Act for Establishing Religious Freedom (1785) the following clause:

"Almighty God hath created the mind free; all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate it by coercion on either, as was in His Almighty power to do."

James Madison, in a letter to Edward Everett (1823) wrote:

"Religion is not in the purview of human government. Religion is essentially distinct from government and exempt from its cognizance. A connection between them is injurious to both."

Behind the policy embodied in these statements lay the experience of bygone centuries in which, through the unification of church and state, the state was used as a means of religious oppression and the repression of religious freedom. The policy means that the arm of the government should not be used to foster strictly religious ideas.

But there is more behind the idea than non-interference with religious beliefs, and strict neutrality of the Government in matters religious. There is the spirit of tolerance which forbids discrimination, by Americans, in our body politic, against individuals on account of religious belief.

So you are instructed that as a consequence of this policy, the Government cannot, under the guise of criminal prosecution, proceed to prove the truth or falsity of religious belief. That is not the business of the Government.

xx If anyone wishes to believe that he is the embodiment of a character who lived in the past, whether the belief be taken literally or hyperbolically, it is his own affair and the Government has no right to interfere. These matters are matters of conscience, - a realm which the Government is forbidden to enter.

xx However, the law of the United States prohibits the doing of certain things and punishes as crimes the doing of them. When the law is thus violated by the doing of an act denounced as a crime, the mere fact that they be done under the pretense of a religious belief constitutes no excuse and does not prevent its being a violation of law.

So, in considering the evidence, you must bear in mind these cardinal principles: You are not here to determine the truth or falsity of anyone's religious belief or philosophy of life. You are here to determine whether a violation of the criminal law of the United States has been committed. And if religious belief or philosophical principle has been made the excuse for such violation, such violation is not within the protection of the Constitution, provided, of course, you are satisfied beyond a reasonable doubt that a violation



of law has been committed.

xx  
The specific statutes with the violation of which the Government charges these defendants, ~~are~~ the statute prohibiting the use of the mail to defraud persons of money or property and the statute which prohibits conspiracies to violate a law of the United States. And in this instance, the Government charges that the specific statute which the defendants conspired to violate was the statute prohibiting the use of mail to defraud.

yy  
I shall now proceed to define in greater detail the elements constituting each of these ~~of~~ offenses and the quantum of proof necessary before you can find any of the defendants guilty of either violation.

There is only one conspiracy count in the indictment, Count 19.

The other remaining counts, omitting the tenth, which has been dismissed, are mail fraud counts.

X ✓  
As the indictment will not be sent out to you, because it contains many matters as to which there is no proof in the record, I shall state to you that the scheme to defraud is charged in these words:

"did unlawfully, knowingly and wilfully devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent representations, pretenses and promises from a large number of persons, hereinafter called the 'persons intended to be defrauded', and that class of persons who could or might be induced by means of any of the fraudulent or false devices representations, and promises hereinafter mentioned, to purchase the books, magazines, pictures, articles, and other paraphernalia offered for sale by the defendants, and each of them, and to become followers, or who might be induced to accept the teachings and movement sponsored by the defendants, commonly known as the 'I Am' movement, and who might be induced to give, send, and pay their money and give other things of value to said defendants, among whom were:

not same  
Col. Edward P. Bailey  
Eloise Jenssen  
Margaret H. Schall  
Allen C. Radcliffe  
Lillian M. Shissler  
William I. Ferguson

Virginia La Ferrera  
Vinton D. La Ferrera  
Muriel Bliss  
Portia Terry  
Margaret Pettit and  
Lucille C. Siefert

and divers others persons whose names are to the grand jurors unknown, including all of that class of persons in the State of California and elsewhere throughout the United States whom the said defendants would and could induce, persuade and entice to become members and followers of a certain organization

or movement, organized and operated by the defendants, and by them designated and hereinafter referred to as the "I Am" movement."

And as the first ~~seven~~ items of particularization the indictment charges:

"1. It was a part of the said scheme and artifice to defraud that the defendants would and did create, organize and operate a certain organization or movement known as the 'I Am' movement, and by means of false and fraudulent representations, pretenses and promises, hereinafter more particularly set forth, solicit, induce, encourage, persuade and entice the persons to be defrauded to become members and followers of the said "I Am' movement.

"2. It was a further part of the said scheme and artifice to defraud that the defendants would and did form, organize, dominate and control a corporation designated and known as the Saint Germain Foundation, an Illinois corporation, and that the defendants would and did arrange for the election of the defendants Donald Ballard, as president, Paul Potter, as vice-president, and Edna W. Ballard as secretary and treasurer of the said Saint Germain Foundation.

"3. It was further part of the said scheme and artifice to defraud that the defendants by means of false and fraudulent representations, pretenses and promises, and devices, hereinafter more particularly set forth, would and did solicit, induce, encourage, persuade and entice the persons intended to be defrauded to give, donate and contribute to the said Saint Germain Foundation sums of money and other things of value.

"4. It was a further part of the said scheme and artifice to defraud that the defendants would and did form, organize, dominate

and control a corporation known and designated as the Saint Germain Press, an Illinois corporation, and that the defendants would and did arrange for the election of the defendants Donald Ballard, as president, Paul Potter as vice-president and Edna W. Ballard as secretary and treasurer of the said Saint Germain Press.

"5. It was a further part of the said scheme and artifice to defraud that the defendants would and did by means of false and fraudulent representations, pretenses, and promises, solicit, induce, encourage, persuade and entice the persons to be defrauded to purchase from the said defendants various books, charts, pamphlets, magazines, and other written and printed matter published by the said Saint Germain Press.

"6. It was a further part of said scheme and artifice to defraud that the defendants would and did by means of false and fraudulent representations, pretenses and promises, sell and cause to be sold to the persons to be defrauded various rings, tokens, pictures, paraphernalia and divers other articles."

Various additional representations, numbering thirty-one in all, are then set out.

In other words, while it is the law that a scheme to defraud may accompany a legitimate business or movement, the Government does not concede the legitimacy of the "I Am". Nor does it so charge. and charge mere fraudulency in its conduct.. It charges that the entire "I Am" was devised as a scheme to defraud. This charge, the Government must prove beyond a reasonable doubt.

*which is behind all counts, including the conspiracy count*

*Bottom paragraph*



M F 1

Mail Fraud:

By the provisions of the statute under which <sup>mail fraud counts in</sup> the indictment in this case are drawn, it is made an offense for any person, after having devised any scheme or artifice for obtaining money or property by means of false or fraudulent pretenses, representations or promises, for the purpose of executing such scheme or artifice, or attempting so to do, to place, or cause to be placed, any letter, postcard, package, writing, circular, pamphlet, or advertisement, addressed to any person residing within or outside of the United States, in any postoffice, or station thereof, or street or other letter box of the United States, or authorized repository for mail matter, to be sent or delivered by the Post Office Department of the United States.

The offense contains two essential elements:

First: that there shall be devised a scheme or artifice for the purpose of obtaining money or property by means of false pretenses; and, second, that for the purpose of executing such scheme, or attempting so to do, there shall be placed a letter or post card, writing or circular, in any post office or mail box of the United States, to be sent or delivered by the post office establishment. Both of these elements must be established before conviction is authorized. The words "scheme" and "artifice", as used in the statute, include any plan or course of action intentionally devised for the purpose of deceiving and tricking others, and thus fraudulently obtaining their money or property. It is not essential to the making out of the charge that the scheme or artifice should have been successfully carried out. Nor is it a defense for a defendant so charged to show that the persons with whom he dealt and intended to deal received some return for <sup>the</sup> ~~an~~ <sup>expended or contributed</sup> investment of money, or that they would have received some return for

XX  
62

*It.*  
~~such investment.~~ It is essential only that it be shown that the scheme be formed with a fraudulent intent. It is necessary that the government prove that the scheme or artifice employed by the defendants was of the kind charged in the indictment. It is not necessary that it be proved that the scheme and artifice included the making of all of the alleged false pretenses, representations and promises, but it is sufficient if any one or more of them be proved to have been made, and that the same were designed to and would be reasonably effective in deceiving and defrauding persons with whom the defendants proposed to and did deal.

XX  
Given:

Judge

IN THE DISTRICT COURT OF THE UNITED STATES  
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDNA W. BALLARD, ET AL,

Defendants.

No. 14496-Y

MEMORANDUM.

We feel that the language from the following cases has a relevancy in connection with this trial, although possibly not directly controlling.

I.

DAVIS v. BEASON, 133 U.S. 333.

In the Davis case which was a proceeding on a writ growing out of a conviction for polygamy, denounced by the laws of Utah, the Supreme Court made certain observations which we feel are worthy of consideration in this case.

As your Honor of course knows, the original tenets of the Mormon Church countenance and even advocate polygamy (which was a practice also followed during Biblical days, witness King Solomon and his many wives, et cetera). The court points out that everything advocated by religion cannot be tolerated and appears to draw a distinction between "religion" and "cultus".

(p. 342). "The term 'religion' has reference to one's views of his relations to his Creator, and to the obligations they impose of reverence for his being and character, and of obedience to his will. It is often confounded with the cultus or form of worship of a particular sect, but is distinguishable from the latter. The first amendment to the Constitution, in declaring that Congress shall make

Mail Fraud 2

XX The alleged artifice or scheme upon which the mail fraud counts of the indictment here are predicated, the criminal use of the mails, being the same in each of these counts, general instructions contained herein will be applicable to all the mailfraud counts of the indictment: And in your deliberations you should apply to each count all of the rules of law that I have given, unless otherwise specifically indicated.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

234  
You are instructed that as to each and every one  
of the ~~first~~ <sup>seventeen</sup> ~~eighteen~~ counts of the indictment in which it  
is charged that the defendants devised a scheme to defraud  
and that the mails were used as a part of the fraudulent  
scheme, that you cannot convict any defendant solely upon  
evidence of a scheme to defraud. It must also be shown  
that the mails were used as a part of the fraudulent scheme,  
and as to each letter relied upon, that the particular letter  
was not sent out until after a scheme to defraud had been born.

XX  
~~United States v. Buckner,~~  
2 Cir., 108 F. (2d) 331, 335.

DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_

Given: \_\_\_\_\_

Refused: \_\_\_\_\_

M. F. (3)

Mail Fraud

Any false, deceptive or deluding pretenses put forth through the mails to obtain other people's money <sup>or property</sup> is an offense under this law. Mere falsity of representations, is not, however, sufficient. A false representation does not amount to fraud unless it is made with fraudulent intent.

XX  
Given:

Judge

M F (4)

Mail Fraud

The letters mailed need not be effective to carry out the scheme, need not be of themselves calculated to do so, need not be criminal or objectionable, need not disclose a fraudulent purpose and need not show on their face that it was in furtherance of the scheme; but they must have some relation to, and be a step in the attempted execution of, the scheme, and must be mailed (or delivered) with the intent to aid its execution.

Given:

Judge

M.F. 5

Mail Fraud:

In determining the matter, it is immaterial whether you do or do not believe that the persons who parted with money were or were not gullible or whether they should or should not have parted with the money under such circumstances, if, in fact, there was a scheme to defraud and the mails were used for the purpose of executing the scheme by the defendants or any of them, and they are proved beyond a reasonable doubt.

By the same token, we are not concerned here with the question whether the belief of some persons in certain things spiritual, such as ascension, percipitation and the like, has been shattered or not, by any of the representations charged in the indictment.

The scheme charged is not to control the beliefs of persons, but to defraud and obtain from them money or property by means of false representations.

If the representations were not a part of such a scheme, then the defendants are not guilty, no matter how many beliefs of how many persons they shattered, <sup>or</sup> how many persons have been disillusioned.

XV



## Mail Fraud

The offense is complete when the scheme has been devised for an unlawful purpose and the mails are utilized in furtherance thereof, although the defendants ultimately may not have profited by virtue of their lawful enterprise. Nor is it necessary for the Government to show that the articles purchased by the various students or the general public were worthless.

When the Government offers evidence to prove the material benefits derived by the defendants or any of them, such proof is received as bearing upon the intent of the defendants. The existence of non-existence of material benefits bear, with the other evidence, of the case, upon that fact. Material benefits alone, if shown to exist, are of no consequence unless there be a scheme to defraud.

Commercialization of even a religious ideal is not a violation of federal law. And the Government has not charged it in this indictment.

One evolving a religious idea or movement, may profit by its spread, either through the sale of books, the giving of lectures or the publication of articles.

So, here, unless you are convinced beyond a reasonable doubt that there is a scheme to defraud, you cannot find any of the defendants guilty merely because you are convinced that he or she profited by the activity.

And this is true, even though you are convinced that the profit of a particular defendant was out of proportion with his services.

M F 6

Mail Fraud

The essence of the offense is the use of the mail in execution of a scheme to defraud. And the mails must actually be used. And where, as here, it is charged that the use of the mail consisted of placing or causing to be placed in the mails and knowingly causing to be delivered by the United States mails according to the directions thereon certain letters as set forth in the various counts of the indictment, such use of the mails by the defendants must be proved beyond a reasonable doubt before *any defendant* ~~he~~ can be found guilty under any of the counts of the indictment. This fact, like any other fact, may be established by direct or by circumstantial evidence, as these terms are defined in these instructions. If the fact of such use of the mails be not established beyond a reasonable doubt, you must find the defendants ✓ not guilty even though you believe that a scheme to defraud the recipient of the letters set out in the indictment, existed and that the defendants carried on negotiations in regard thereto.

1/✓

M. F. 8

Mail Fraud

Before you can find the defendants guilty on any one of the counts, first you must find that the representations set out in the scheme or artifice were false and untrue, and that the defendants had actual knowledge that they were false and untrue.

9

Cr. Gen 8

SPECIFIC INTENT:

This is an offense requiring a specific intent or purpose. When this is the case, the intent or purpose must be shown to exist beyond a reasonable doubt. The intent or purpose may be shown by the acts and declarations of the defendant, and by the circumstances surrounding <sup>them</sup> ~~his~~ actions. They must, when taken together, prove the specific intent and purpose.

Given; \_\_\_\_\_  
Judge

X7



M. F. 9

Mail Fraud

The intent of a defendant charged under the provisions of the law stated is a material element necessary to prove the offense, and in arriving at a decision upon that question all the facts and circumstances shown in the case as touching the conduct of the defendant should be considered. If a man shall make to another a representation as to things which do not exist and it appears that he had no reasonable ground to believe that the fact is as he states it, such statements and conduct are to be taken into consideration in determining whether an innocent mis-statement was made in good faith, or whether the intent was that others were to be deceived and that the first person should reap a benefit and the other suffer a loss. Criminal intent may be implied from the acts and conduct of an accused. His acts and his conduct, as shown by the evidence, considered in their relation to the charge made, may establish satisfactorily a criminal intent. If the statements alleged to have been falsely and fraudulently made by a defendant were made in good faith, and the defendant believed at the time, or had reason to believe them to be true, they would not be evidence of fraud.

XX

Cr -1

The law of the United States permits a judge to comment on the facts in the case. Such comments are mere matters of opinion which the jury may disregard if they conflict with their own conclusions upon the facts. This for the reason that the jurors are the sole and exclusive judges of the facts in each case. However, it is not my custom to exercise this right nor shall I exercise it in the present case. I shall leave the determination of the facts in the case to you, satisfied as I am that you are fully capable of determining them without my aid. However, it is the exclusive province of the Judge of this court to instruct you as to the law that is applicable to the case, in order that you may render a general verdict upon the facts in the case, as determined by you, and the law as given <sup>to</sup> you by the Judge in these instructions. It would be a violation of your duty for you to attempt to determine the law or to base a verdict upon any other view of the law than that given <sup>to</sup> you by the court, - a wrong for which the parties would have no remedy, because it is conclusively presumed by the court and all higher tribunals that you have acted in accordance with those instructions as you have been sworn to do.

Given:        Judge

1  
2  
3  
4  
5  
6 In each count of the indictment the defendants  
7 are alleged to have knowingly and willfully done the acts  
8 and things of which they are accused. As so used the word  
9 "willfully" means with an evil intent or purpose. Such  
10 evil intent or purpose is an essential element of the offense  
11 of which the defendants are accused. The word "willful"  
12 sometimes denotes an act which is intentional or knowing or  
13 voluntary as distinguished from accidental, but when used in  
14 a criminal statute such as the defendants are charged under  
15 in this case means an act done with a bad purpose without  
16 justifiable excuse, stubbornly, obstinately or perversely.  
17 In other words, there must be a specific wrongful intent and  
18 unless you find, beyond a reasonable doubt and to a moral  
19 certainty that the defendants had such an evil intent or  
20 purpose as charged in the indictment, you must acquit them.  
21

22 Hargrove v. United States,  
23 6 Cir., 57 Fed. (2d) 800

24 United States v. Murdock,  
25 290 U. S. 389, 54 S. Ct., 223.  
26  
27

28 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_  
29  
30

31 Given: \_\_\_\_\_  
32

Refused: \_\_\_\_\_

MAIL FRAUD:

Statements or expectations as to future events or probabilities or what will be or is intended to be done in the future or mere expressions of opinion about what will occur in the future or as to results ~~to~~ to be anticipated in the future, from present existing conditions, if made in good faith, do not constitute fraud, although they actually turn out to be false.

This is especially true when the alleged statements or expressions relate to matters of belief, whether it be religion or philosophy of life.

XX





M. F. 10

Mail Fraud:

You are instructed that the gist of the offense in this case is use of the mails in executing or attempting to execute the scheme to defraud and not the scheme itself.

M. F. 17

MAIL FRAUD

*or any of them*

And before you can find the defendants guilty, you must be satisfied from the evidence beyond a reasonable doubt that the letters were mailed either by or under the authority and direction of or with the knowledge and consent of the defendants and with the intention on their part that they would serve to further the consummation of a scheme, proven to your satisfaction beyond all reasonable doubt, to have been devised by the defendants, which scheme must further be shown beyond all reasonable doubt to have been fraudulent.

88

M. F. 18

Mail Fraud

You are further instructed that if you find that the representations were false and that the defendant had knowledge of their falsity, you must also find that the representations were made with the intent to defraud the parties to whom the letter was written, and that the letters were sent through the mails for the purpose of defrauding.

*before you can convict any defendant*



1  
2  
3  
4  
5  
6 You are instructed a particular defendant ~~or~~  
7 ~~defendants herein~~ is, ~~or are~~, not liable for any false pre-  
8 tense or promise or representation unless such particular  
9 defendant or defendants personally made such false pretense,  
10 promise or representation or authorized the making of the same.  
11 In this connection you are instructed that you are not to  
12 consider any statements made by any defendant in the absence  
13 of the other defendants, except as against the individual making  
14 the statements, unless you are convinced beyond all reasonable  
15 doubt that the defendant so making such statements was authorized  
16 by another or other of the defendants to make the statement in  
17 question, and in such case you will consider such evidence only  
18 as against the defendant actually making the statement and such  
19 other defendants only as you shall be convinced beyond all  
20 reasonable doubt, if you are convinced, authorized the making of  
21 such statement.

22  
23 Levine v. United States.  
24 9 Cir., 79 Fed. (2d) 364, 367

25  
26  
27 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_  
28  
29

30 Given: \_\_\_\_\_  
31

32 Refused: \_\_\_\_\_

M. F. 12

Mail Fraud

You are further instructed that the other acts of similar character may not be considered by you for the purpose of determining whether or not the defendants or any of them committed any of the acts charged in the indictment, but if you find that the defendants or any of them did commit any of the acts set out in the indictment, you may consider the similar acts consisting of other letters mailed to other persons who are not named in the indictment for the sole purpose of determining the question of the intention upon the part of the defendants or any of them in mailing the letters set out in the indictment, if you find that said letters were mailed by ~~him~~.

You are further instructed, however, that before you can consider the other letters for any purpose at all, you must find that the letters not named in the indictment were caused by the defendants or any of them to be delivered in the United States mail with the intent to defraud the parties to whom they were addressed, and that the defendants or any of them had knowledge of the falsity of the representations made in the statements of the scheme in which they were a part, and that said letters were caused to be delivered with the intent to defraud the parties named therein, and unless all of these elements are found by you to exist in the case of the letters to persons not named in the indictment, you are instructed to disregard the same for any purpose at all.

2 Y4

M. F. 14

Mail Fraud

In order to find the defendants guilty, it is not necessary to determine that money was actually sent through the mails to them or to any other person at their solicitation. The use of the mails may be unpremeditated and incidental to the scheme to defraud.

X7

M. F. 19

Mail Fraud:

It is not necessary that it be proved that the scheme and artifice included the making of all of the alleged false pretenses, representations and promises, but is sufficient if any one or more of the same be proved to have been made, and that the same were designed to and would be reasonably effective in deceiving and defrauding persons with whom the defendants proposed to and did deal.

XY



CO. SUMMARY:

It is for you to say, therefore, in this case from all the facts and circumstances, whether the defendants entered into or devised a scheme or artifice for the purpose of defrauding those with whom they might deal, as charged in the indictment, or whether they acted in good faith; they are not on trial for evolving or devising an improvident or impracticable scheme, even though you should find their plan to be such. Nor are they on trial for mere errors of judgment; neither are they on trial for evolving or devising a new religion or philosophy of life, if it be such, with whose tenets you may not agree. The question here is not, in so far as the particular doctrines taught by the defendants are concerned, whether or not those doctrines are sound, or even plausible, for this is not a trial for heresy. As there is no official religion in the United States, trials for heresy have no place in our jurisprudence. The defendants had the right to teach any religious or philosophical doctrine. And the question for you to determine is whether or not ~~those doctrines~~ were promulgated in good faith, and not for the purpose of fraudulently obtaining money from others. If in promulgating those doctrines, even though they received money therefor and used the mail as charged, the defendants were acting in good faith, ~~They~~ were not engaged in a scheme to defraud. If you have reasonable doubt as to whether or not they were acting in good faith, you should acquit them or any of them as to whom you entertain such doubt.

xy

1  
2  
3  
4  
5 You are instructed that in the realm of religious  
6 faith, sharp differences of opinion arise. The tenets of one  
7 man may seem the rankest error to his neighbor. Everyone,  
8 including these defendants, has the right to persuade others  
9 to his own point of view, ~~and resorts to exaggeration, to villi-~~  
10 ~~fication, or even to false statement, are not punishable by law.~~  
11 The people of this nation have ordained in the light of history  
12 that in spite of the possibility of excesses or abuses, these  
13 liberties are, in the long view, essential to enlightened  
14 opinion and right conduct on the part of the citizens of a  
15 democracy. You are, therefore, instructed that no matter how  
16 visionary the views of the defendants may have been, no matter  
17 how ill-founded their conclusions may have been, no matter how  
18 much sheer incompetence in the exercise of judgment they may  
19 have shown, you must find them not guilty if they were actuated  
20 by good faith. ~~The defendants are not on trial for any errors~~  
21 ~~of judgment, nor negligence in their conduct.~~

22  
23 Cantwell v. State of Connecticut  
24 60 S. Ct., 900.

25 United States v. Schlatter,  
26 (D.C. Cal.) 235 Fed. 381.

27  
28 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_  
29

30 Given: as modified LR4

31 Refused: \_\_\_\_\_  
32

Government's Proposed Instruction No. \_\_\_\_\_

The indictment as it now stands has ~~in existence~~ seventeen substantive counts alleging that the defendants devised a scheme to defraud and in furtherance thereof utilized the United States mail.. There were originally eighteen substantive counts but Count No. 10 was dropped by the Government.

As to certain counts, that is to say, as to the letter, circular or magazine which the Government alleged was mailed or caused to be mailed by one or ~~any~~ of the defendants ~~you~~ are aware of the fact that counsel for the defendant and counsel for the Government stipulated that certain of the letters were in fact mailed, delivered, or caused to be delivered as is set forth in the counts that the stipulation covered.

In connection with a stipulation that of course means that no proof need be offered because the respective parties have agreed to the mailing with respect to those counts they have stipulated to.

With respect to the counts covered by stipulation you are advised that they are the following counts: Counts 1, 2, 3, 4, 5, 13, 16, and 17.

With respect to the other counts there has been admitted into evidence the letters referred to in each count of the indictment after certain proof was offered pertaining to either the mailing or the delivery. The only count which has not been covered by either the offer into evidence of the letter mailed or by the stipulation of counsel is Count No. 10 and, as I have heretofore advised, that count has been abandoned.

~~And as I have heretofore charged,~~ it is not necessary that the defendant or ~~each~~ <sup>any</sup> of them actually mail <sup>or</sup> the letter for it is sufficient if they cause the letter to be mailed either through a subordinate or through the acts of any other of the defendants. For

1 if a scheme to defraud is in existence the acts of one or any of  
2 the defendants in mailing or causing to be mailed, the letter, are  
3 binding upon all defendants who are a party to the scheme to defraud.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

27 Given as requested: \_\_\_\_\_

28 Given as modified: \_\_\_\_\_

29 Refused: \_\_\_\_\_

30  
31 \_\_\_\_\_  
32 United States District Judge.



Conspiracy

The 19th Count charges conspiracy to use the mails to defraud.

The law under which the conspiracy count in the indictment in this case is drawn provides that if two or more persons conspire to commit an offense against the United States and one or more of them does anything to effect the object of such conspiracy, all such conspirators shall be punished.

The word "conspire" is defined substantially as follows: 7

If two or more persons agree, acting upon a common purpose to commit a criminal act, they conspire.

The laws which it is alleged the defendants conspired to violate is the use of the mails to defraud.. 7

CONSPIRACY:

A conspiracy is a combination between two or more persons to do a criminal or unlawful act, or a lawful act by criminal or unlawful means.

From this definition of conspiracy, it follows, of course, that there can be no conspiracy where one individual acts by and for himself only.

A mere mental purpose cannot justify a conviction of conspiracy. A common design is of the essence of the charge.

A person, therefore, in order to become a party to a conspiracy, must combine with some one else to effect the object of the conspiracy by the means agreed upon.

*If he has no knowledge of the conspiracy, he is not a conspirator.*

XX

CONSPIRACY:

In order to establish the crime charged, - conspiracy, - it is necessary, first, that the conspiracy or agreement to commit the particular offense against the United States as alleged in the indictment be established, and, second, to prove further that one or more of the parties engaging in the conspiracy has committed some act to effect the object thereof. The conspiracy being established, if you so find, then proof of the doing of one overt act charged is sufficient to warrant a verdict of guilty.

To constitute a conspiracy, it is not necessary that two or more persons should meet together and enter into an express or formal agreement for the unlawful venture or scheme, or that they should directly, by words or in writing, state between themselves or otherwise what the unlawful plan or scheme is to be, or the details thereof, or the means by which the unlawful combination is to be made effective. It is sufficient if two or more persons, in any manner, or through any contrivance, positively or tacitly come to a mutual understanding to accomplish a common and unlawful design. In other words, when an unlawful end is sought to be effected, and two or more persons, actuated by the common purpose of accomplishing that end, work together in any way in furtherance of the unlawful scheme, each of said persons becomes a member of the conspiracy. The success or failure of the conspiracy is immaterial, but before a defendant may be found guilty of the charge, it must appear beyond a reasonable doubt that a conspiracy was formed as alleged in the indictment, and that the particular defendant was an active party thereto.

xy

In order to warrant you in finding a verdict of guilty against any defendant, it is necessary that you be satisfied beyond a reasonable doubt that a conspiracy as charged in the indictment was entered into between the particular defendant and at least one other person to violate the law of the United States in the manner described in the indictment. It is necessary further that, in addition to the showing of the unlawful conspiracy or agreement, the Government prove to your satisfaction, beyond a reasonable doubt, that one or more of the overt acts described in the indictment was done by one or more of the conspirators or at their direction or with their aid.

Under the charge made, the conspiracy constitutes the offense and it must be made to appear from the evidence, beyond a reasonable doubt, before a defendant can be convicted, that he was a party to the conspiracy and unlawful agreement charged, and that he continued to be such up to the time that an act was committed, if the evidence shows that there was such. The mere fact that a defendant named may have engaged in the performance of any of the acts charged in the indictment as overt acts, would not authorize a conviction by reason of that fact alone, but it is necessary to show that such defendant was a party to the conspiracy and unlawful agreement before his guilt of the offense charged is made out.

Each party to a conspiracy must be actuated by an intent to promote the common design. If persons pursue by their acts the same unlawful object, one performing one act and a second another act, all with a view to the attainment of the object



they are pursuing, the conclusion is warranted that they are engaged in a conspiracy to effect that object. Cooperation in some form must be shown. There must be intentional participation in the transaction with a view and purpose to further the common design. And if a person, understanding the unlawful character of a transaction, encourages, advises, or in any manner, with a purpose to forward the enterprise or scheme, assists in its prosecution, he becomes a conspirator. Joint assent and joint participation in the conspiracy may be found, like any other fact, as an inference from facts proved.

The evidence in proof of the conspiracy may be circumstantial. Where circumstantial evidence is relied upon to establish the conspiracy or any other essential fact, it is not only necessary that all the circumstances concur to show the existence of the conspiracy or fact sought to be proved, but such circumstantial evidence must be inconsistent with any other rational conclusion.

It is not necessary that it be shown that any person concerned in the alleged conspiracy profited by the things which he did, but if a defendant, with knowledge that the law was designed to be violated in the particular manner charged in the indictment, aided in any way by affirmative action in the accomplishment of the unlawful act, he would be guilty.

72

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

You are instructed that where the charge is conspiracy to use the mails to defraud as set out in the nineteenth count of the indictment, that in addition to proving a scheme to defraud, it is necessary to show an intent to use the mails to effect the scheme. In other words, before you can find any defendant guilty under the charge of conspiracy to use the mails to defraud, you must find beyond a reasonable doubt that the defendants entered into a conspiracy to use the mails to defraud. In other words, if you should find that a conspiracy to use the mails to defraud existed, you must before you can convict also find beyond a reasonable doubt that the defendants intended to use the mails to effect the scheme.

~~Mazurosky v. United States~~  
~~9 Cir., 100 F. (2d) 958, 962~~

DEFENDANTS' REQUESTED INSTRUCTION NO: \_\_\_\_\_

XX

Given: \_\_\_\_\_

Refused: \_\_\_\_\_

OVERT ACT

You are further instructed that by the term overt act as used in these instructions, is meant any act committed by any one or more of the conspirators, if the evidence shows there was in fact a conspiracy, which act was intended to and had a tendency to forward the purpose of <sup>the</sup> conspiracy. Such act may be an agreement between two or more of the conspirators, if the evidence shows there was a conspiracy, or it may be any act performed by anyone of the conspirators, if there was a conspiracy, that would have a tendency to forward the purpose of the conspiracy and the intent of the conspirators or that would have a tendency to accomplish the purpose of the conspiracy.

Yf

Cr. Gen. 6

Criminal General:

You are instructed that the Government and the defendants are entitled to the individual opinion of each juror on the issue of fact in this case. It is the duty of each of you to consider and weigh all the evidence in the case, and from such evidence to determine, if you can, the question of guilt or innocence of the defendants or ~~either~~<sup>any</sup> of them. When you have so determined that question, you should not be influenced in giving your verdict by the mere fact that any number or all of your fellow jurors may have reached a different conclusion. If, after careful consideration of all the evidence, your mind is fairly made up, and you are convinced that you are right, it will be your duty to stand by your decision. But each juror should freely and fairly discuss with his fellow jurors the evidence and the deductions to be justly drawn therefrom; this it is his duty to do. If, after such a full and fair discussion with them, any juror is still satisfied that his decision is right, he should say so by his verdict. If, on the other hand, after such full and fair discussion, any juror is satisfied that his original decision was wrong, then he should unhesitatingly abandon such decision, and render his verdict according to such final decision.

87



CONSPIRACY:

As to the conspiracy count, you will be called upon to consider, as to each of the defendants, among others, the following questions:

Was there a conspiracy as charged in the indictment, for the objects, or any of them therein alleged?

If there was such a conspiracy, was the defendant a party to it?

Did the defendant, after the formation of the conspiracy, if such was formed, or another conspirator, commit the overt acts, or any of them, as alleged in the indictment?

If the evidence satisfies you, beyond a reasonable doubt, of the existence of said conspiracy, and that said overt acts were committed by the particular defendant or another conspirator, as alleged in the indictment, and that the particular defendant was a party to said conspiracy when said overt acts were committed, you will find him guilty as charged in the indictment; if, however, the evidence fails to so satisfy you of the existence of said conspiracy, or the commission of any of the said overt acts as alleged in the indictment, or that the particular defendant was a party to such conspiracy when any of said overt acts were committed, then and in that event, you will find the particular defendant not guilty.

V X

. There is evidence in the record as to certain events of a supernatural nature, such as, for instance, the visitation of Christ, the image of Saint Germain, the ray of light upon which Mr. Ballard is supposed to have received the dictations, and certain of the supernatural events at Mount Shasta. There is no evidence in the record that these events did not take place. The Government will not argue-- they have stated so themselves---against the possibility of a vision of Christ appearing to a person, or a vision of Saint Germain, or of the panther, or of anyone else. \*\*\*\*\*the Government will not go into the question of the possibility or impossibility of the supernatural because those are in the domain of belief and the Government has not chosen to offer evidence of their impossibility of occurrence.

Filed  
proffers  
by [signature]  
[signature] clerk

The Government has offered no proof as to the possibility or non-possibility of the occurrence of things called supernatural, be they visions or appearances.

The Government is not challenging the verity of anyone's belief in the supernatural.

However, there is evidence bearing on whether Mr. Ballard was or was not at the places where certain supernatural occurrences narrated in the book are stated to have occurred. As to St. Germain, you are instructed that as to the happenings and occurrences attributed to him, the only thing to consider is ~~whether~~ the evidence as to the whereabouts of Mr. Ballard at the time the events are stated to have occurred.

*Instruction*

JAN 13 1941

R. B. [illegible], Clerk

By *[Signature]*  
Deputy Clerk

MEMORANDUM

Similarity Government contends that exists between the book issued by the Ballards, - "Unveiled Mysteries", and a book of previous publication, - "Life and Teachings of the Masters of the Far East - Vol. 1," by Baird T. Spaulding.

You will recall we had identified by the witness Mrs. Bliss the book written by Spaulding as having been utilized by Mrs. Ballard in 1932 and 1933.

SPAULDING'S  
LIFE AND TEACHING OF  
THE MASTERS OF THE  
FAR EAST  
(Published - 1924)

BALLARD'S  
UNVEILED MYSTERIES  
(Published - 1934)

1.

"This BOOK, which will be followed by others of the Sun SERIES, gives the first year's EXPERIENCE of the expedition in relation to the Masters and includes their teaching, which was taken by us stenographically at the time, with their PERMISSION, and approved by them." (Foreword).

"It was through Saint Germain's assistance that I was privileged to have the EXPERIENCES recorded in this SERIES of BOOKS; and PERMISSION has been granted for them to be put in a form which can be given to the public." (Foreword vii)

2.

"I am PURPOSELY WITHHOLDING NAMES as we were always requested to do so, by those who so greatly assisted us in our work," (P. 3)

"With the exception of Saint Germain, the Real NAMES of the Ascended Masters, exact locations, records, dates and treasure herein described are WITHHELD INTENTIONALLY - at His command - for reasons that are obvious;" (Foreword p. vii)

3.

"I am now publishing my notes under the title 'Life and Teaching of the Masters of the Far East', with the thought that THE READER may ACCEPT, OR REJECT, AS HE WISHES". (Foreword)

"The saying that, 'Truth is stranger than fiction', applies to this book. It is for THE READER to ACCEPT OR REJECT AS HE CHOOSES," (Foreword P.xiii)



4.

"They SUPPLY everything needed for their daily wants DIRECT FROM THE UNIVERSAL," (P.8)

"That which you drank," he explained, "comes DIRECTLY FROM THE UNIVERSAL SUPPLY," (P. 3)

5.

"LOVE never fails to meet every demand of the human heart." (P. 121)

"Whatsoever I desire manifests itself, when I command in LOVE." (P. 4)

6.

"HELD OUT to the lady in attendance what we thought was an empty HAND, but when we looked a second time, there was just the amount of money necessary to pay the bill." (P. 93)

"I have but to HOLD OUT my HAND and, if I wish to use gold - gold is here". Instantly, there lay in his palm a disc about the size of a ten dollar gold-piece. (P. 4).

7.

"Repeat these affirmations and meditate upon them quietly while falling asleep. Upon rising IN THE MORNING, suggest to yourself aloud." (P. 27)

"Fifteen to thirty minutes at night before retiring and IN THE MORNING before beginning the day's work, using the following exercise, will do wonders for anyone who will make the necessary effort. (p. 11)

8.

"What you saw as my BODY still REPOSES there." (P. 15)

"Immediately, without the least effort upon my part, I stood outside my physical BODY, seeing it clearly as it REPOSED upon the ground." (P. 18)

9.

"They can come in THEIR own BODIES, for they have so perfected their bodies that they can GO where THEY will WITH THEM." (P. 71 and 72)

"I had heard of the Great ascended Masters who could take THEIR BODIES WITH THEM wherever THEY GO," (P. 27)

10.

"HELD OUT her HANDS AND on them APPEARED a small loaf of bread ABOUT TWO INCHES SQUARE" (P. 120)

"He HELD OUT his HAND, AND in a moment there APPEARED four little cakes of a beautiful golden brown, each ABOUT TWO INCHES SQUARE." (P. 31)

11.

"This is not hypnotism, None of you feel that you are in any way under a HYPNOTIC spell." (P. 41)

"There is nothing whatsoever about any of this instruction and its use, that is either of the trance or HYPNOTIC condition at any time," (P.33)

12.

"We have now raised the VIBRATIONS of our BODIES to a higher VIBRATION" (P. 81).

"Increasing the rate of VIBRATION of the atomic structure in both the mind and BODY" (P. 35)

13.

"WE LOVE to call your country, AMERICA" (P. 61)

"Again I say, AMERICA - WE LOVE you." (P. 43)

14.

"AMERICA is DESTINED to be the guide to the whole WORLD." (P. 65)

"AMERICA has a DESTINY of great import to the other nations of the EARTH." (P. 43)

15.

"This was done simply to show you that we are ABLE to leave our BODIES and greet you at any appointed PLACE" (P. 15)

"The more spiritually advanced souls of that race, were ABLE TO go from PLACE to PLACE in the finer BODIES and do all they desired" (P.44)

16.

"In a moment there BURST FORTH the GRANDEST MUSIC from UNSEEN voices." (P. 119)

"and a BURST of TRANSCENDANT MUSIC, as if played by a gigantic symphony, in the INVISIBLE, came FORTH" (P.48)

17.

"After this ceremony was over the EDIBLES began to arrive. They came in large CONTAINERS and these CONTAINERS just appeared on the table before the ladies AS IF they were placed there BY UNSEEN HANDS." (P. 121)

"Course after course was served as IF BY UNSEEN HANDS, the FOOD coming in marvelous crystal and jeweled CONTAINERS," (P. 50).

18.

"God's LAWS are changeless, the same as they have ever been. While they are IMMUTABLE, they are BENEFICIENT for they are good." (P. 124)

"This is the LAW of Universal as well as individual Life. It is IMMUTABLE, Irrevocable, Eternal, yet BENEFICIENT," (P. 56)

19.

"and is said to be over TWELVE THOUSAND YEARS old." (P. 78)

"which took place about TWELVE THOUSAND YEARS ago.".. (p.61)

20.

"THE BIRD came and lit upon his outstretched arm. He said the bird had a MESSAGE from his brother." (P. 6)

"THE DOVE walked in and stood calmly waiting. I took the card and read the MESSAGE," (P. 72)

21.

"This force or power is higher than any mechanical FORCE or power, but can be contacted by man and used as LIGHT, HEAT, AND POWER." (P. 70)

"A soft white light, which Saint Germain explained was an omnipresent FORCE that the Great Ones always use for LIGHT, HEAT, AND POWER." (P.80)

22.

"Words fail to describe the radiant BEAUTY OF THAT SCENE." (P. 118-119)

"The Light, Life and BEAUTY OF THAT SCENE simply overwhelm human powers of description." (P. 121)

23.

"of intense WHITE LIGHT, so WHITE that it seemed as transparent as CRYSTAL." (P. 100)

"The LIGHT that filled the atmosphere around her, was CRYSTAL-WHITE." (P. 154)

MEMORANDUM

Similarity Government contends that exists between the book issued by the Ballards, - "Unveiled Mysteries", and a book of previous publication, - "A Dweller on Two Planets", by Phylos.

You will recall we had identified by the witness Mrs. Bliss the book written by Phylos as having been utilized by Mrs. Ballard in 1932 and 1933.

PHYLOS'  
A DWELLER ON TWO PLANETS  
(Published 1894)

BALLARD'S  
UNVEILED MYSTERIES  
(Published - 1934)

1.

"It will have added interest to many who love, or have become interested in CALIFORNIA, to know that within full view of SHASTA, one of her loftiest mountain peaks, THIS BOOK was begun and almost finished.... In 1883-4 A.D., in sight of the inspiring peak of MOUNT SHASTA, the Author began to have me write what he told me,"

(P XI)

"THIS BOOK is written in the embrace of the majestic, towering presence of MOUNT SHASTA, whose apex is robed forever in that pure, glistening White, the symbol of the "Light of Eternity", Its pages are a record of the way by which I was brought in touch with the Beloved Master, Saint Germain,"

(P VIII)

2.

"Upon the ability of the perusers to so ACCEPT this book as history and not fiction, much depends, in lighting up the Path for THEIR souls."

(P XIII)

"Those, who do ACCEPT the Truth herein recorded, will find a new and powerful "Force" entering THEIR lives."

(P XIII)

3.

"ATLANTIS, or Poseid, was an empire..."

(P 26)

"ATLANTIS, a great continent "

( 91)

4.

"in Poseid TWELVE THOUSAND YEARS AGO,"

(P 47)

"the sinking of Atlantis, more than TWELVE THOUSAND YEARS AGO,"

(P 75)

5.

"her glory of brown tresses WAS CAUGHT in a loose, unbraided fall at the back of her shapely head by a plain golden CLASP. A long flowing robe clothed her slender, girlish form....the attire added nothing to THE GIRL'S own sweetly dignified LOVELINESS."

(P 127)

"The golden hair falling over her shoulders WAS CAUGHT with two emerald CLASPS. She wore a gown of soft golden fabric," "THE GIRL was a vision of LOVELINESS."

(P 49)

24.

"His BODY immediately became inactive and REPOSED UPON THE COUCH as though asleep." (P. 29)

"I stepped forth from my physical BODY, and was unaware of it, until I turned and saw it LYING IN BED." (P. 164)

25.

"our supply is right at hand in the UNIVERSAL SUBSTANCE where all supply exists," (P. 40)

"call into use the great sea of UNIVERSAL SUBSTANCE from which you may draw without limit." (P. 165)

26.

"THE GREAT OCEAN OF UNIVERSAL mind SUBSTANCE," (P. 60)

"THE GREAT SEA OF UNIVERSAL SUBSTANCE..." (P. 166)

27.

"THE FATHER-MOTHER"... (P. 121)

"THE FATHER-MOTHER-SON" (P. 180)

28.

"he would not make the NECESSARY EFFORT it took to arouse him from his so-called LETHARGY." (P. 97)

"but let themselves drop into a state of LETHARGY. They do not exert THE NECESSARY EFFORT required," (P. 187)

29.

"SHE ENTERED the room and we all marveled at her youth and BEAUTY. She wore a BEAUTIFUL WHITE GOWN," (p. 149)

"a BEAUTIFUL WOMAN in WHITE appeared at the entrance." (P. 201)

30.

"My MOTHER is one that has so perfected her BODY that she was able to TAKE it WITH HER."... (P. 71)

"MOTHER and I", he said, "can TAKE our BODIES WITH US wherever we choose"... (P. 209)

31.

"the VEIL OF MYSTERY drawn by man's mortal perception WAS REMOVED." (P. 130)

"UNVEILED MYSTERIES."  
(Title to book)



6.

"Her dress was gathered at her throat by a pin made of a golden bar whereon FLASHED large rubies,"

(P 127)

"The overdrape appeared as if covered with diamonds for with every movement of her body points of light FLASHED forth."

(P 49)

7.

"AMERICA, thou art BELOVED by me even as was Poseid."

(P 127)

"In your BELOVED AMERICA,"

(P 42)

8.

"The great TEMPLE of Incal was distant several miles, but a few minutes sufficed to bring us to its huge structure."

"We left the vailx and ENTERED the unimposing but ample portal, and proceeded to cross the hall to the Holy Seat, in the back of the SANCTUARY. Within it we found Mainin, the Incaliz, or HIGH PRIEST,"

"The Incaliz arose and bade us to follow him...."

(P 131)

"We arose from the earth, and moved rapidly forward. I was very conscious of the Mediterranean, as we passed over its beautiful waters. We went on to Karnak and Luxor,"

"Watch closely", he (Saint Germain) said, "This record is of a very ancient TEMPLE in Luxor..."

(P 22)

"Come, let us ENTER," he said, as he spoke, stepped forward and passed through the main entrance into the TEMPLE itself. We then became living actors and at the same time observers of the following experience. We passed into the main part of the TEMPLE, and proceeded toward the Inner SANCTUARY. The HIGH PRIEST came directly up to us,..."

(P 24)

9.

"But THE STALACITES, being pendent from the marble CEILING,"

(P 131)

"Notice THE STALACITE effect on the CEILING"...

(P 124)

10.

"which is THE SAHARA DESERT of today."

(P 147)

"where THE SAHARA DESERT now lies."

(P 61)

11.

"lifting up their eyes, begin to eat of what has mysteriously come before them."

(P 156)

"Course after course was served as if by unseen hands,"

(P 50)

12.

"land of the INCAS in a far  
later day."

(P 167)

"INCA Memories".

(P 126)

13.

"perhaps for FIVE centuries,"

(P 173)

"during the last FIVE hundred  
years"

(P 111)

14.

"In the neighborhood of twenty  
years ago, more or less, counting  
from this Anno Domini 1886, an intrepid  
American explorer discovered the famous  
YELLOWSTONE region, and while on the  
same expedition went as far west as the  
Three TETONS."

(P 173)

"In 1887, the Ascended Hosts  
of Masters established"

(P 88)

"Leaving the Royal TETON I was  
perfectly conscious of passing  
through space and moving rapidly,  
until we reached a certain spot  
in YELLOWSTONE Park." (P 113)

15.

"since the construction of THE  
GRANITE WALLS."

(P 173)

"I pointed to a certain spot  
on THE GRANITE WALL."

(P 113)

16.

"He was examining a structure made  
by POSEID hands one hundred and  
twenty-seven and a half CENTURIES ago,  
and it was because Professor Hayden  
was once a POSEIDA and held a position  
under the Atlan GOVERNMENT,"

(P 173)

"The word "Yellowstone", ex-  
plained Saint Germain, "has been  
brought down through the CENTURIES  
for more than fourteen thousand  
years. At that time the civiliza-  
tion of POSEIDONIS had reached a  
very high point of attainment, be-  
cause a Great Master of Light was  
at the head of the GOVERNMENT..."

(P 111)

17.

"Along the ocean shore and back to  
the SIERRA Nevada MOUNTAINS is the  
region..."

(P 175)

"To the west, we could see the  
SIERRA and Cascade MOUNTAINS "

(P 111)

18.

"The one foot that was exposed to  
view BENEATH the hem of her stony  
robe,"...

(P 205)

"The toe of her right sandal was  
just visible BENEATH the edge of  
the dress "

(P 78)

19.

"I knew that as a Son of Solitude he possessed the power to lay aside the gross BODY of earth as one would an OVERCOAT..."

(P 214)

"Your physical BODY is only a garment which you, the Self-Conscious, thinking, and experiencing individual, wear. "It is the same as though you wore a heavy OVERCOAT in the cold winter."

(P 23-24)

20.

"I have WORKED for three centuries IN THIS present BODY."

(P 217)

"THIS", he explained, is the BODY IN which I WORK a great deal of the time,"....

(P 15)

21.

"The DAY is hot, but the WATERS of this branch of McCLOUD RIVER are COLD as the pristine snows of Shasta"....

(P 247)

"As the DAY advanced, it grew very warm and I stopped frequently to rest and to enjoy to the full the remarkable stretch of country around the McCLOUD RIVER, Valley, and town. I sought a mountain spring for clear, COLD WATER."

(P 2-3)

22.

"a long tunnel stretches away, far into the interior of majestic SHASTA... the home of mystic BROTHERHOOD."

(P 248)

"Rumor said, there was a group of men - Divine Men in fact - called the BROTHERHOOD OF MOUNT SHASTA,"

(P 1)

23.

"ledges intersected by THE BUILDERS, and in their wonderful polish exhibiting VEININGS OF GOLD,"

(P 248)

"THE BUILDERS had cut through a great VEIN of virgin GOLD"

(P 80)

24.

"While I was still so young as to be unable to understand anything concerning my PARENTS' DEATH, except the agony of being alone, I was orphaned by the fell stroke of an epidemic."

(P 250)

"Suddenly, both PARENTS passed through the change called DEATH "

(P 20)

25.

"for then in my path arose a terror, a huge grizzly bear, wildly I looked about for a tree, into the branches of which to climb for safety. Yet bruin was rapidly forcing me to decide on the courses of flight, or remaining to be eaten, so I turned to run and - stood face to face with the Tchín! Calm and cool himself, he bade me have no fear. Stock still I stood, amazed to see him walk slowly up to the grizzly which, from its fierce-eyed aspect, changed to docility of looks, got down on all fours, and awaited the man's approach! I expected to see him rent in pieces; instead, he placed his hand on the head of the animal and said: "Lie down!" The order was obeyed at once, and then Quong sat down on the prostrate animal and fondled its great, stiff ears! Very gently, the bear licked the human hand, as gently indeed as if caressing its own cubs."

(P 257)

"Imagine my surprise, when not fifty feet away, I saw a panther - slowly approaching. My hair must have stood on end. I wanted to run, to scream - anything - so frantic was the feeling of fear within me. It would have been useless to move, for one spring from the panther would have been fatal to me.

"My brain whirled so great was my fear, but one idea came through clearly and held my attention steady. I realized that I had the Mighty "Presence of God" right within me, and that this "Presence" was all Love. This beautiful animal was a part of God's Life also, and I made myself look at it, directly in the eyes. Then came the thought, that one part of God could not harm another part. I was conscious of this fact only.

"A feeling of Love swept over me, and went out like a Ray of Light directly to the panther and with it went my fear. The stealthy tread ceased and I moved slowly toward it, feeling that God's Love filled us both. The vicious glare in the eyes softened, the animal straightened up, and came slowly to me, rubbing its shoulder against my leg. I reached down and stroked the soft head. It looked up into my eyes for a moment and then, lay down and rolled over like a playful kitten."

(P 30-31)

26.

"After a few moments Quong got up and, speaking to the conquered ursine, said "Go". As obediently as before the shaggy beast lumbered heavily off up the canon and was soon lost to view amongst the rocks and shadows of the night."

(P 257-258)

"The panther came toward me, and together we turned our footsteps homeward. After walking for some distance, the sound of men's voices caught our ears. The animal sniffed the air, suddenly stopped directly in front of me, and looked up. I reached down and patting it, said : "Now you may go." It bounded away into the thickly wooded section of the mountain "

(P 69-70)

27.

"Yes, in this land of the Starry Flag there are students known as the 'Lothinian BROTHERHOOD'. Their LODGES, called 'Saches', are habited throughout the western hemisphere; there is one such Sach near here."

(P 260)

"Rumor said, there was a group of men--Divine Men in fact-- called the BROTHERHOOD of Mount Shasta, who formed a branch of the Great White LODGE, and that this Focus from very ancient times had continued unbroken down to the present day."

(P 1)

28.

(Quong) "I have watched over you since YOUR BIRTH, using my psychic powers for the purpose, since until a year ago your present eyes have not beheld me."

(P 261)

"I see you do not quite recognize me in your outer consciousness. I was present during YOUR BIRTH,.... While I have always been in touch with you, when we both were in our finer bodies your conscious effort of reaching out to some one of the Ascended Masters opened the way for me to come to you in a much more tangible way, that is, tangible to your physical senses".

(P 15)

29.

"a wind-blown sheet of paper fell on my arm and remained until I PICKED IT off. As I was about to let it flutter away, my own name on the paper caught my eye and aroused my curiosity. Then I READ the entire note,"

(P 266)

"I awakened one morning, to find a letter upon the floor of my room addressed to me but with no postmark. I PICKED IT up, opened it, and READ the contents, which left me mystified and incredulous. It READ: "

(P 197<sub>a</sub>)

30.

"As we came under an over-hanging rock a puma, or "California lion" (Felix concolor) leaped into our midst with the evident intention of having venison for supper, indeed, had not the deer for which he sprang been too nimble, it would have been an instant victim; but it and its companion affrightedly closed about Quong, and the latter turning to the PANTHER, said sternly, but in a calm low tone: Peace".

"And there was peace, for the carnivore slunk down for an instant, like a whipped dog, then resumed a normal cat-like attitude, and, purring, walked with soft, feline tread on one side, with the deer on the other side of the human mediator,"

(P 269-270)

"Something caused me to look at the panther. The expression in its eyes was wild and fierce...Looking up suddenly, I saw a mountain lion crouched, ready to spring. The next instant, it leaped toward me."

(P 231)

"There was a rush of something through the timber and my friend, the panther, bounded toward me, the very embodiment of joy. I patted it and together we proceeded on our way to the meeting place.

"Saint Germain then gave the panther a little brown cake with it quickly devoured. In a moment its hair stood straight up - and he remarked: "Your friend will never again kill deer"...

(P 73-74)

31.

"we halted in front of a HUGE ledge of basaltic ROCKS, some hundreds of feet in height. The ledge was broken and twisted AS IF by some rending convulsion."

(P 270)

"Going to a point where HUGE masses of STONE lay in confusion, AS IF giants had hurled them,"

(P 75)



32.

"He (Quong) TOUCHED the enormous quadrangular block. Immediately it TIPPED on edge...."

(P 271)

"Saint Germain TOUCHED a great boulder. Instantly, the enormous mass TIPPED out"....

(P 75)

33.

"the passage LED into the mountain. After going about TWO HUNDRED FEET WE came to a DOOR made apparently of BRONZE. This door gave entrance to a large CIRCULAR chamber...."

(P 273)

"a stairway, cut in the solid rock, LED downward. We descended some TWO HUNDRED FEET,...WE entered and, to my astonishment, stood before a large BRONZE DOOR. and entered another space, CIRCULAR in shape."

(P 75)

34.

"All about me shone a marvelous WHITE LIGHT. The same wonderful illumination was OMNIPRESENT,"...

(P 273)

"A soft WHITE LIGHT, which Saint Germain explained was an OMNIPRESENT force...flooded the entire place."

(P 80)

35.

"with domelike CEILING TEN or a dozen FEET HIGH at its junction with the WALL,"

(P 273)

"The arched CEILING rising some TEN FEET HIGHER than the side-WALLS,"

(P 81)

36.

"He...declared that NO MIRACLE had ever yet taken place in the world,"

(P 276)

"there are NO such things as MIRACLES."

(P 39)

37.

"Lying on the long, soft silk of the carpet was a human form. Looking more closely I saw that this was MY own physical form, MY BODY, my materiality, in short."

(P 291)

"I prepared MY BODY for bed and soon became very still. A moment later, I stood upon the floor outside of MY BODY CLOTHED in the same golden garment I had worn on my visit to the Royal Teton."

(P 110)

38.

"Looking more closely I saw that this was MY own PHYSICAL form, MY BODY,"

(P 291)

"I stood outside MY PHYSICAL BODY, seeing it clearly as it reposed upon the ground."

(P 18)

39.

"At that moment he was in his astral form, his PHYSICAL BODY being in his sleeping room,"

(P 316)

"I stepped forth from my PHYSICAL BODY, and was unaware of it, until I turned and saw it lying in bed."

(P 164)

40.

"He had replied TO MY THOUGHT,"

(P 319)

"in answer TO MY THOUGHT, Saint Germain replied:"

(P 19)

41.

"the words seemed to form as if PRECIPITATED from the air."

(P 333)

"This substance is not in use in the outer world of mankind anywhere but it can be and is, sometimes PRECIPITATED,"

(P 83)

42.

"That message was signed by Phyris. It was written in English. Written? No, precipitated, and as soon as I had read it, it disappeared as it had appeared, with no hand to remove it, no person save myself in the room."

(P 334)

"I took the card and read the message, which was written in the same beautiful script as the previous one, but this time in gold ink on a white card.

"I put the card away carefully, hoping it would remain, but the next morning as I looked for it before starting my hike, it had been dissolved."

(P 72)

43.

"...for HAVE I (Quong) not KNOWN thee, lo! many ages? "

(P 384)

"My Son", he (Saint Germain) said, answering my thought at once, "I HAVE KNOWN you for aeons."

(P 14)

14496 Y. Cr. U. S. v Edna W. Ballard, et al.

Defendants Exhibits.

- 1 for ident. letter dated 2/25/35 "My dear George signed Harry,
- 2 for ident letter 2/8/35
- 3 for ident letter on yellow paper to "Mr. & Mrs G. W. Ballard  
(no date) envelope dated 7/26/-.
- 4 for ident letter "6/18/37" stipulated date 6/18/35 to "Blessed  
and Beloved Ballards"
- 5 for ident Letter 2/18/35 signed Harry.
- 6 for ident. Letter 8/10/34 My dear Mr. & Mrs Ballard signed  
Harry F. Sieber.
- 7 for ident. Letter "My dear Mr & Mrs Ballard 8/13/34 signed  
Harry F. S.

12/11/40

- 8 Letter, in picture frame dated 8/25/31 signed John J. Cantwell,  
Bishop of Los Angeles and San Diego.

12/12/40 9 for ident. 2 photostats of outside of envelopes.

- 10 Letter 1/19/36 to dear Dick. signed Carl.
- 11 Telegram to The Ballards, 12/25/39 signed The Fergusons.
- 12 letter 9/26/36 to "The Ballards, signed The Fergusons
- 13 Printed Card signed "The Fergusons".
- 14 Letter 8/1/36 from "The Fergusons" with 2 page enclosure.

---

12/17/40

- 15 Application to become a 100% member of I.A.M.Group.
- 16 for ident Letter dated "Friday 4 P. M. (part read)
- 17 for ident Letter 1/4/35 part read.

12/18/40 18 for ident Letter "Darlings, Thursday Eve. part read in ev.

12/19/40

- 19 Picture on Page 26 of Jan 1940 issue of Voice of I AM.
- 20, Page 1X of foreword of Unveiled Mysteries.

12/20/40

12/26/40

- 21 Letter datx "To the Most Precious Ones on Earth".
- 22 Letter "Friday Eve. Precious Precious Mama Ballard signed Pontia.
- 23 Letter dared 10/21/39 to Mr Stack, Manager, signed Harry N. Rogers.

12/27/40

- 24 Letter & envelope dated 6/5/37 "Dear Mrs Ballard signed Merton  
Casterline".

- 25 in ev Letter 5/28/37 "My dear Mrs Ballard

12/28/40

12/29/40.

IAM Yours.

14496 Y. Cr. U. S. v Edna W. Ballard et al.

U. S. Exhibits.

12/4/40

1. Certified copy of Articles of Incorporation of St. Germain Foundation
2. Certified copy of Articles of Incorporation of St. Germain Press Inc.
- 3 for ident. Copy of green book "Unveiled Mysteries"
- 4 " " " " " " " " The Magic Presence"
- 5 " " " " " " " " The I Am Discourses"
- 6 " " " " " " " " Ascended Master Discourses"
- 7 " " " " " " " " I Am adorations and Affirmations.
- 8 " " " " " " " " Ascended Master Light".
- 9 " " paper covered small book "I Am Decrees"
- 10 for ident to 62 incl for ident successive issues of small magazine  
" The Voice of I Am" beginning Feb 1936 issue to & incl June 1940 issue

12/10/40

- 63 for ident. July 1940 issue of The Voice of I AM.
- 64 for ident Aug 1940 issue of The Voice of I Am.
- ✓65 Letter dated 10/6/34 to Harry Sieber, beginning Beloved Blessed Brother signed Guy W. Ballard.
- ✓66 3 page typed letter 9/16/34 to Mr. & Mrs Harry F. Sieber, signed G. W. Ballard.
- 67 Yellow palmpet or circular "Conditions Attendant upon acceptance of this instruction."
- ✓68 2 page letter 9/27/34 ~~to~~ "Our Blessed Ones of the Light, the Siebers" signed The Ballards.
- ✓69 Letter dated 9/30 31 to "Our Blessed Children of the Light, signed The Ballards.
- 70 carbon copy " Cash Statement No. ~~11~~ 4. 11/30/34 in longhand writing
- ✓71 Circular 11/29/34, typed signature "St. Germain".
- ✓72 2 page letter Oct 26/34 typed signature "St Germain".
- ✓73 Letter 12/~~1834~~18/34 to Harry F. Sieber 2 pages signed "George"
- ✓74 Letter 12/23/40 to Harry F. Sieber signed George, Lotus and Don.
- 75 ~~for ident.~~ 3 ~~1355~~ letters dated Mar, 22, Apr 12, Apr 24, 1935.
- ✓76 for ident Letter 11/21/34 to "Dear Mr. Sieber signed Donald Ballard.
- ✓77 letter 12/28/34 signed George.
- 78 letter 2/3/35 signed "George ".
- ✓79 Letter 2/7/35 "The Ballards per George"
- ✓80 Letter 2/12/35 signed G. W. Ballard.
- ✓81 Letter 2/2/35 "My dear Blessed Harry" signed George.
- ✓82 Letter 2/14/35 "My dear Harry" signed George.
- ✓83 Letter 2/22/35 "My dear Harry" signed George.
- ✓84 Letter 3/13/35 "My dear Blessed Harry" signed George.

14496 Y. Cr.

U. S. Exhibits continued.

U.S.V- Ballard.

~~12~~ 12/11/35

U. S. Ex 85

Letters all addressed to My dear Miss Killen.

as to Mrs Ballard only. dated as follows:

on matter of intent.

5/4/33,

5/23/33,

5/30/33

7/6/33

8/31/33

9/30/33

11/5/33

12/13/33

2/27/34

undated letter 1st page missing envelope addr

E. W. Ballard, no post mark or stamp

86. 9 pages of carbon copy beginning St. Germain:

Nov 3, 1932.

87 printed pamphlet "Announcement - Unveiled Mysteries"

88 Picture of "The Ascended Master Saint Germain appeaint in the book  
the "Unveiled Mysteries".

89 Letter to "Beloved Student of Light" Your lovely letter of the 18th.,

90. 2 letters 12/25/34 and 12/27/34 both typed in purple ink.

✓91 Letter (typed) and envelope to "My dear Mr Gysi" "Beloved Brother of  
Light".

92 Letter 4/21/35 "This perfect likeness of the Ascended Master.  
signed Godfrey Ray King.

✓94 Letter in red ribbon typing. 6/19/35

95 Tabulations re books and pictures.

96 Mimeographed matter dated 7/6/35 St Germain: "Classes" etc.

✓97 typed letter 10/3/35 to Mr. Max Gysi, signed typed St. Germain.

98 Receipt 10/18 - 27/35 Love Gifts and Special funds total \$1256.20

99. Receipts 11/8 to 11/17 " Love Gift total \$1737.40 signed G. W. Ballard.

✓100. Typed form "To whom it may concern (2 pages) 11/19/35 signed  
The Ballards.

~~12~~12/12/40.

101 for ident blue phonograph record "Rose of Light and Light of My Heart.

102. document signed Ted Dahl dated 8/28/40 re appearing before U.S. Grand Jury.

103 for ident. carbon of letter to Mrs. G. W. Ballard. signed Gladys Ethel  
Kemp and registry receipt 61624 dated 8/21/40.

✓104 for ident. Envelope and letter and circular addressed to Gladys Ethel Kemp

105. "Special Notice" from 104 for ident.

106 Broken record entitled "Benediction"

107 Penned letter 12/20/34 signed "The Messengers" "The Ballards"

108 Letter, 2 pages, 1/1/34 "Private New Years Day Message"

109 Circular "Important Notice."

110 Letter 2/4/35 to "Blessed Fergusons" "Beloved Messengers" signed  
The Ballards.

111 Letter dated 1/17/37 signed "The Ballards, by G. W. Ballard"

112 Letter and envelope 5/18/37 to Mr. William Irvin Ferguson Mrs Jane  
Ferguson



U. S. Exhibits (continued)

~~12x12x40x~~

---  
12/13/40

5

44

113 Picture opposite page 4 of U. S. Ex 2 for ident.

114 letter to Virginia Meyer dated 1/13/37

115 For identification. Book "Life and Teachings of the Masters of the Far East  
by Baird T. Spalding.

116 for identification Book "Life & Teachings of the Masters of the Far East.  
by Baird T. Spalding Vol II.

117 Magazine, June 1940 issue of the Voice of I AM and envelope addressed to  
Miss Lucille C. Siefert, bearing P.O. Cancellation & 2¢ stamp.

118 Picture of "Ascending Christ" signed Charles Sindelar.

--  
12/17/40

119 for ident Book "A Dweller on Two ~~Planets~~ Planets" by Philos

120 for ident, 8 pamphlets. 5 issues of "The Diamond."  
3 issues of "The American Occultist."

121 -Check. 3/22/38 signed Muriel Bliss To Mrs. G. W. Ballard \$130.

122 - Check 12/20/38 \$20 to Mrs. G. W. Ballard. signed Muriel L. Bliss.

123 - Check 2/21/39 \$300 to Mrs. G. W. Ballard. signed Arthur F. Bliss.

124 ~~2xpage~~ - Check 4/3/39 \$140 to Mrs. G. W. Ballard. signed Arthur F. Bliss.

125 2 page letter 2/14/38 "Precious Group Leaders - Mimeographed signature.  
The Ballards by Mrs. G. W. Ballard.

126. Letter 10/9/37 "Dear Muriel, Precious Child of the Light". signed  
Mamma and Papa Ballard.

127 Letter 8/1/38 "To Mrs Muriel Bliss & enclosed letter 8/1/38 to  
Mr. Paul Stickell.

128 ~~for ident~~ Letter 12/6/37 signed Tad Dahl, to Mrs Muriel Bliss & invoice  
3/28/38

129. Letter 2/24/39 to Mrs Muriel Bliss signed Mr. & Mrs. G W. Ballard.

130 Letter 1/18/39 to Mr. & Mrs Arthur Bliss.

131 Document 1 page " Further instructions in Re Radio Transcriptions.  
and attached list of transcriptions.

132 for ident. letter 2 pages signed St.Germain 8/21/33

133 for ident. 1 page dated 11/29/34 "Thanksgiving Day Discourse".

134 for ident. 1 page dated 7/28/26 (36).

135 for ident. document dated 4/27/37 "Blessed one of the Light".

136 for ident. 3 page letter dated 6/13/35 to Blessed Muriel Bliss.  
signed The Ballards Pr. Godfre Ray King. & postmarked envelope  
stamped.

137 - picture of St.Germain.

138 Photostat of portion of letter 2/28/38 on Hotel Belleride Kan. Mo.  
12/18/40 Stationery.

139 Picture opposite page 3 June 1939 issue of The Voice of I AM.

140 Picture Frank Benton Kelly.

141 Death Certificate Frank Benton Kelley.

142 for ident. Letter 9/22/37 to Dahl & attached letter.

14496 Y. Cr. U. S. v Ballard et al.

U. S. Exhibits Continued.

- 143 for ident. Letter 10/25/37 to Mrs. F. W. Alln from Mrs G. W. Ballard.
- 144 " " " 11/22/37 to Dahl from " " "
- 145 " " " 1/22/38 " " " " " "
- 146 " " " 1/31/38 " " " " " "
- 147 " " " 3/8/38 " R. S. Immert " " " Copy.
- 148 " " " 3/16/38 " " " " " "
- 149 " " " 5/22/38 " " " " " "
- 150 " " " 6/2/38 to Dahl " " " " " "
- 151 " " " 8/12/38 Florence Demarest " " " " " "
- 152 " " " 8/21/38 Ted Dahl " Betty O. Mundy.
- 153 " " " 6/10/38 " Mrs. G. W. Ballard.
- 154 " " " 6/11/38 " & copy letter attached signed The Ballards.
- 155 " " " 7/14/38 to R. S. Emery from The Ballards.
- 156 " " " 9/17/38 to Dahl from The Ballards signed Betty O. Mundy.
- 157 " " " 9/20/38 " " " " " "
- 158 " W " 9/22/38 " " " " " signed Betty O. Mundy.
- 159 " " " 10/14/38 to Commr of Customs Mr & Mrs. G. W. Ballard.
- 160 " " " 1/3/39 " Mrs Nannette Ray from " " " "
- 161 " " " 2/18/39 to Ted Dahl from The Ballards by Mrs. G. W. Ballard & letter "Beloved Students of Canada.
- 162 " " " 6/3/39 to Dahl from The Ballards by Mrs Betty O. Mundy.
- 163 " " " 9/17/39 " " " The Ballards by Mrs Betty O. Mundy.
- 164 " " " 11/6/39 " " same signatures. as 163.
- 165 " " " 2/15/38 " " January.
- ✓ 166 " " " 2/22/40 To Beloved Group Leaders. IAM.
- 167 In evidence. paper dated 8/16/37
- 168 document " Radio Broadcast" Script several typed pages.
- ✓ 169 for ident. typed document. par 2 page 2 is read to jury.
- 170 for ident Script of Radio Address. page 1 is read from.  
12/19/40
- 171 for ident. 3 page document "Blessed Crusaders of the Light".
- 172 for ident Document, photostat thereof, "To E. H. Woodward dated Mar 13 1937.  
signed G. W. Ballard, Witness E. H. Woodard P. B. Crouse  
H. N. Rogers.
- 173 for ident. List of stock sold, love gifts, etc.
- 174 in ev. Device "Flame in Action".
- 175 in ev. Brown paper covered typed sheets.
- 176 in ev. Brown paper covered typed sheets.
- 177 in ev. letter to Harry N. Rogers dated 10/31/39. sgnd St. Germain
- 178 " " " " Mrs. ~~Mary N. Rogers~~ Margaret Petit 1/9/39 "
- 179 " " " " Harry N. Rogers 10/19/39 with envelope stamped & cancelled.
- 180 " " " " " " 11/8/39 signed "The Ballards"
- 181 " " " to "BLESSED STUDENTS OF THE LIGHT EVERYWHERE"
- 182 for ident. Handwritten notes of witness Crouse.
- 183 in ev. Telegram to Mrs Mary Ketcham 10/7/39 & mimeographed circular attached
- 184 ~~faxidank~~. Three photostats of sheets of notations "Love Gifts Checks  
Cashed".
- 185 for ident 11 page typed manuscript headed "Jesus' Morning Discourse on  
Mt. Olive" Lanning Class. 1/10/37  
12/20/40
186. 2 pages. yellow paper "Jesus' Talk to Staff 8/29/37 Yellowstone Park.
- 187 1 yellow colored sheet mimeographed 9/8/39 "Blessed 'I Am' Students"  
signed The Ballards, G. W. Ballard, Mrs G. W. Ballard.
- 188 Certified copy death certificate of G. W. Ballard.
- 189 Check #816 2/14/39 for \$1000. signed San Francisco I Am Secretary.  
Pearl Diehl. signed G. W. Ballard, Mrs. G. W. Ballard.  
12/26/40
- 190 for ident Letter April 19, 1937 "To Our Precious Donnie". signed Mother.
- 191 for ident letter 5/1/37 "To Gear Donnie signed "Mother".
- 192 " " Letter 8/6/37 "Our dear Don & Margie signed Mamma & Daddy.
- 193 " " Letter 1/31/38 part read "Blessed Don & Margie"
- 194 in ev. letter 11/11/39 Dear Portia" signed Betty O. M.
- 195 in ev. Letter dated 11/13/39 "Precious Darlings Don, Marjorie & Portia".
- 196 in ev. Letter dated 11/16/39 ~~to~~ "Precious Ones signed "Mamma".
- 197 for ident. letter dated 11/28/39 "Precious darlings signed "Mamma".
- 198 in ev. letter 3/15/36 "My dear Mr. & Mrs Rogers". signed the Ballards.
- 199 in ev. Letter Apr 24, 1936 to Our Beloved Ones of Light Catharine &  
Harry Rogers"
- 200 in ev. Letter 9/9/36 to Dear Harry & Catherine signed Edna W. Ballard.
- 201 in ev. letter 6/13/37 ~~"Precious Long And & Happy signs Mamma Ballard.~~  
~~Dear Harry & Catherine signed Edna W. Ballard.~~

U. S. Ex.

- 202 Letter 6/13/37m Dear Harry & Catherine signed Edna W. Ballard.  
12/27/40
- 203 in ev. 2 page instrument l. notes 2 lyrics of song.
- 204 for ident Song "Call of the Light".
- 205 for ident. Letter 6/27/39 to Virginia La Ferrera.
- 206 Large Picture (framed) of St. Germain.
- 207 small picture of St. Germain.
- 208 letter 10/1/25 to Col Edw Bailey and attached letter to Committee members.  
signed Edna W. Ballard and Guy W. Ballard.
- 209 letter 11/26/35 to Col Edw. Bailey signed St. Germain.
- 210 picture of St. Germain in colors signed Charles Sindelar.  
12/28/40
- 211 small picture of St. Germain unmounted.
- 212 Letter 7/8/36 to Mr. & Mrs. Harry Rogers signed St. Germain.
- 213 " 7/30/36 " " " " "
- 214 Copy of Letter Mama & Daddy Ballard.
- 215 letter to Mr. G. W. Ballard 11/29/39 signed Harry N. Rogers.
- 216 " " " " 1/9/40 " " "
- 217 " Mr. Harry N. Rogers by G. W. Ballard 1/25/40.
- 218 loose leaf book of "Group Letters".
- 219 for ident. letter 8/21/38 signed ~~Brother Bill~~ Daddy & Mama.
- 220 in ev. letter 5/20/37 to Maud Hill signed Brother Bill.
- 221 for iddnt letter 7/4/35 Mr. & Mrs Hill signed The Ballards.
- 222 in ev. 2 leyters on pink paper "Sunday Note signed Brother Bill.  
Apr 28, OH. You Sweetheart You Darling.
- 223 in ev Group of pamphlets " The Ascended Masters Instruction on the Mighty  
I Am. Presence".
- 224 Letter Signed Betty O. Mundy.
- 225 Letter 7/23/38 to My dear Maud Hill signed Betty.
- 226 Pamphlet " Our Motto " The Light of God Never Fails".
- 227 Letter 10/4/37 to Maude Hill signed Pearl Sindelar.
- 228 Book Mark, Songs for study groups. Songs, Victory, Goddess of Liberty,  
Ascended Master Youth lf America, Lotus My Love Rainbow Rays,  
Light of my heart, Pictured Picture Freedom Doubt, Fear,

1/2/41.

14496 Y. Cr. U. S. v Edna W. Ballard et al.

12/3/40 Jury and two alternates selected.

1. Lawrence W. Hood.
2. Leroy Henderson
3. Henry B. Day.
4. Ralph E. Howe.
5. Courtland J. Dampsey
6. Charles Conti.

7. James H. Haigh.
8. Owen S. Adams.
9. Raymond Brownhill *by A.E. Rippy sub'd.*
10. Omer R. Hill
11. Albert E. Sears.
12. Geo. W. Carter.

Alternates.  
A. E. Rippy,  
Kenneth C. Wallace.

*US Wife*

*1. W. F. Callahan*

*2. Mrs Margaret Huntley Shaw.*

3. Harry F. Sieber,
4. Richard J. Purcell,
5. Max Gysi
6. Albert Doerr.

12/12/

7. Carl Pierce.
8. Ted Dahl.
9. Louis Goldberg.
10. Gladys Kemp.
11. Jane Ferguson.

~~12x~~

12/13/40

Virginia L. Meyer,  
Jack W. Stahl,  
Gertrude M. Host.  
Harry James.

Ernest Ricord.

12/17/40

Muriel Bliss.  
Madge King.  
Albert Yimling.

12/18/40

Helem M. Pinkerton.  
W. Curtis Bingham.  
Elise Buckingham Pinkerton.

~~12/19/40~~ 12/20/40

Nephi Cottam.  
P. B. Crouse,  
Claude L. Davis,  
Alma C. John  
Daniel R. Baldwin

12/26/40

Portia Terry

Catherine Rogers. 12/27/40

Virginia La Ferrera Isabelle Shinn.

Merton Casterline

Edw P. Bailey,  
Sylvia Bisplinghoff,  
Charles Foster.

12/28/40

Alpheus Mosher.  
Harry N. Rogers.  
Maude Hill

--

*Lefts Wits.*

A. G. Grant,  
Charles Starrett,  
Frank Holmes  
Marie Holmes  
Margaret G. Ely  
John Paul Center  
Irene M. Hudson  
W. M. Sheets.  
Betsy Emery  
Pearl Langley  
L. R. Parker,  
Edgar W. Smith,  
Carl Bjork,  
Ethel Heaford  
Ann Gallagher,  
Betty Doheney, ✓  
William Cassiere  
Mrs Milton A. Edgar  
Nettie Edgat Smith.  
Milton A. Edgar.

12/19/40  
Tom Stevens,  
P. B. Crouse,  
John C. Koster,

*(Witnesses)*

Government's Proposed Instruction No. \_\_\_\_\_

The purpose of the conspiracy may be continuous; that is, it may contemplate the commission of several offenses or overt acts. The crime is completed when an overt act affecting the object of the conspiracy is done by at least one of the conspirators. The phrase overt act merely means that it is an act done in furtherance of or to effect the object of the conspiracy apart from the conspiracy itself. The overt act need not be a criminal act nor the very crime that is the object of a conspiracy. It must, however, accompany or follow the criminal conspiracy or agreement and must be done in furtherance of the object of it.

A conspiracy if once established or proved is presumed to continue until the contrary is established.

(Coates v. U. S., GCA9, 59 Fed. (2) 173)

All of the conspirators need not join in the commission of an overt act for if one of the conspirators commits an overt act it becomes the act of all of the conspirators but one to be guilty of the crime of conspiracy must join in the agreement.

In the situation where a conspiracy has been formed, the joinder thereof by a new member does not create a new conspiracy and does not change the status of the other conspirators and the new member is as guilty as though he was an original conspirator.

U. S. v. Marino, 91 Fed. (2) 691, p. 695.

(The Marino case is cited with approval in the Falcone case and contains a most exhaustive treatment of the law of conspiracy citing many outstanding cases.)

Given as requested \_\_\_\_\_

Given as modified \_\_\_\_\_

Refused \_\_\_\_\_

(10) ✓



Government's Proposed Instruction No. \_\_\_\_\_

The mere fact that the scheme would not have deceived one of ordinary intelligence should you find such to be the case and the fact that he would only deceive the credulous does not relieve the wrong doer from ~~re~~liability.

Stunz v. United States, 27 Fed.(2) 8th Cir.  
575, p. 578;  
Tucker v. United States, 224 Fed. 833.

(8)



1

caused to be mailed.

2

3

Durland v. United States, 161 U.S., p. 306, at p. 315.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

Given as requested \_\_\_\_\_

28

Given as modified \_\_\_\_\_

29

Refused \_\_\_\_\_

30

31

\_\_\_\_\_  
United States District Judge.

32

(6)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

You are instructed that the law does not require any defendant to prove his or her innocence, which in many cases might be impossible, but, on the contrary the law requires the Government to establish his or her guilt by legal evidence and beyond a reasonable doubt.

DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_

Given: \_\_\_\_\_

Refused: \_\_\_\_\_



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

Gentlemen of the jury, you are instructed that the defendants in this case are presumed to be innocent of the charges made against them, and that presumption prevails throughout the trial and during your deliberations and until you have reached a verdict in the case, and the defendants are entitled to all benefit of the presumption of law of innocence of the charge.

DEFENDANTS REQUESTED INSTRUCTION NO. \_\_\_\_\_

Given: \_\_\_\_\_

Refused: \_\_\_\_\_



1  
2  
3  
4  
5  
6  
7  
8 Under the law no jury should, or has the right  
9 to convict a defendant of a crime upon mere suspicion, however  
10 strong, nor simply because there may be a preponderance of  
11 all the evidence in the case against him, nor merely because  
12 there is, or may be, strong reasons to suspect that he is  
13 guilty; neither are mere probabilities sufficient to warrant  
14 a conviction, nor is it sufficient that a greater weight of  
15 evidence supports the allegations of the indictment, if it does;  
16 nor is it sufficient upon the doctrines of chance that it is  
17 more probable that a defendant is guilty. Before a defendant  
18 can be lawfully convicted he must be proven to be guilty  
19 fairly and satisfactorily beyond all reasonable doubt, so that  
20 there is no reasonable hypothesis upon which he can be con-  
21 sidered innocent when all the evidence in the case is consider-  
22 ed together.  
23  
24  
25

26 DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_  
27  
28

29 Given: \_\_\_\_\_

30 Refused: \_\_\_\_\_  
31  
32



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

You are instructed that the indictment on file herein is a mere charge or accusation against the defendants, and is not any evidence of the defendants' guilt, and no juror in this case should permit himself to be, to any extent, influenced or prejudiced against the defendants because of or on account of such indictment.

DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_

Given: \_\_\_\_\_

Refused: \_\_\_\_\_



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

You are instructed that the presumption of innocence with which defendants are at all times clothed is not a mere form to be disregarded by you at your pleasure, but that it is an essential, substantial part of the law and binding on you in this case, and it is your duty in this case to give the defendants the full benefit of this presumption and to acquit them unless the testimony in the case convinces you of their guilt as charged beyond a reasonable doubt.

DEFENDANTS' REQUESTED INSTRUCTION NO. \_\_\_\_\_

Given: \_\_\_\_\_

Refused: \_\_\_\_\_

1 unknown, but in the year 1929, Guy W. Ballard had several conversa-  
2 tions with Carl A. Pierce in the city of Los Angeles respecting the  
3 alleged communications Ballard claimed to have had with the alleged  
4 Saint Germain;

5 (2) That within the year 1934, Guy W. Ballard and Edna  
6 Ballard published, sold and circulated a book known as the "Unveiled  
7 Mysteries";

8 (3) That on or about the 6th day of September, 1934, Guy  
9 W. Ballard employed Harry F. Sieber as his business manager;

10 (4) That on or about November 21, 1934, at the city of  
11 Chicago, Illinois, the defendant Donald Ballard, alias Edna Eros  
12 Ballard, did cause to be written and did sign a certain letter ad-  
13 dressed to "Dear Mr. Sieber";

14 (5) That on or about the 15th day of January, 1935,  
15 Guy W. Ballard and Edna Ballard did employ Max Gysi as their business  
16 manager in connection with the "I Am" movement they were then and there  
17 conducting;

18 (6) That commencing sometime in the year 1936, the exact  
19 date of which is unknown to the grand jurors, the defendants Charles  
20 Sindelar and Pearl Sindelar published and caused to be published  
21 and caused to be circulated at monthly intervals thereafter, up to  
22 and including the date of the filing of the herein indictment, a  
23 certain magazine known as "The Voice of the I Am";

24 (7) That on or about January 10, 1937, or shortly prior  
25 thereto, the defendant Edna Ballard did cause to be made certain  
26 corrections and additions to an alleged dictation of Jesus consisting  
27 in all of 11 pages, which said written instrument was termed and  
28 captioned as "Jesus' Morning Discourse on Mt. Olive - Lanning Class  
29 January 10, 1937";

30 (8) That on or about May 12, 1937, the defendant Carolle  
31 Hendrickson, alias Ratana Hendrickson, did, at Alhambra, California,  
32 cause to be written and did sign a certain letter addressed to

1 "Dear Don and Marjorie";

2 (9) That on or about August 16, 1937, at Seattle, Washing-  
3 ton, the defendant Edna Ballard did originate and publish a certain  
4 two-page circular letter captioned "Further Instructions in Re: Radio  
5 Transcriptions." "Beloved Students of the Light."

6 (10) That on or about December 6, 1937, Ted Dahl did cause  
7 to be written and did sign a certain letter addressed to Mrs. Muriel  
8 Bliss, 4754 Virginia Avenue, Chicago, Illinois;

9 (11) That on or about March 28, 1938, at the city of Los  
10 Angeles, Ted Dahl did cause to be prepared and sent to Mrs. Muriel L.  
11 Bliss of Chicago, Illinois, a certain statement for charges for radio  
12 broadcasts;

13 (12) That on or about December 6, 1937, the defendant Edna  
14 Ballard did at West Palm Beach, Florida, cause to be prepared a cer-  
15 tain circular letter termed "Saint Germain's Recent Request to the  
16 Staff," and did give to one Virginia La Ferrera, copy of said letter;

17 (13) That in the year 1938, the exact date of which is  
18 unknown to grand jurors, the defendant William J. Cassiere did cause  
19 to be published and circulated a certain leaflet pertaining to the  
20 "I Am" movement, under his name;

21 (14) That within the year 1938, the exact date of which is  
22 to the grand jurors unknown, the defendant Bert E. Corporon, did write  
23 and cause to be printed a certain booklet in the city of Long Beach,  
24 State of California, known as "An Application for the I AM Movement";

25 (15) That on or about February 14, 1938, the defendant  
26 Edna Ballard did publish and cause to be published at Kansas City,  
27 Missouri, a two-page circular directed to "Precious Group Leaders,"  
28 pertaining to radio broadcasting;

29 (16) That on or about February 24, 1939, at Oakland, Cali-  
30 fornia, the defendant Edna Ballard did cause to be written and did  
31 sign a certain letter addressed to Mrs. Muriel Bliss, I AM Writing  
32 Room, Auditorium Hotel, 430 South Michigan Avenue, Chicago, Illinois;



1 (17) That on or about the 13th day of March, 1939, Anna  
2 May McGinness prepared and executed a joint income tax return for  
3 the defendants Edna Ballard and Guy W. Ballard;

4 (18) That on or about June 22, 1939, the defendant Edna  
5 Ballard, at the city of Los Angeles, did cause to be written, and  
6 did distribute to Virginia La Ferrera, a certain typewritten letter;

7 (19) That on or about June 30, 1939, at Los Angeles, Cali-  
8 fornia, Harry N. Rogers did originate and cause to be published a  
9 certain four-page circular letter addressed to "Blessed Crusaders  
10 of the Light," and did distribute the same among followers of the  
11 "I Am" movement;

12 (20) That on or about October 2, 1939, the defendant Edna  
13 Ballard did, at Chicago, Illinois, cause to be written a certain  
14 letter, and did cause the same to be delivered to Mrs. Pansy Connor,  
15 Chicago, Illinois;

16 (21) That on or about October 12, 1939, the defendant Edna  
17 Ballard did cause to be written and did sign a certain letter address-  
18 ed to Mrs. Pansy Connor, Cleveland, Ohio;

19 (22) That on or about the 23d day of June, 1940, defendant  
20 Paul Potter conducted an I AM meeting in the Auditorium Hotel, Chicago,  
21 Illinois;

22 (23) That on or about July 14, 1940, in the city of Los  
23 Angeles, State of California, at the Shrine Auditorium, Edna Ballard,  
24 Donald Ballard, Paul Stickell, Betty Mundy, Bert E. Corporon, Frederick  
25 Landwehr, Frank N. Von Derhoya, and Grant L. Lewis did participate in,  
26 attend, and assist in the conducting of a meeting before an assembly  
27 of followers attending the said Shrine Auditorium, which said meeting  
28 pertained to the teachings of the "I Am" movement.

29 Contrary to the form of the statute in such case made and  
30 provided and against the peace and dignity of the United States of  
31 America.

32

WM. FLEET PALMER,

United States Attorney

NORMAN W. NEUKOM,

Assistant U. S. Attorney.



1 said Guy W. Ballard), and Mary McGinness, Harry N. Rogers, and Ted  
2 Dahl, named as co-conspirators but not indicted herein, to commit  
3 certain offenses against the United States, that is to say, that  
4 they, the said defendants, did so knowingly, wilfully, unlawfully,  
5 corruptly, and feloniously conspire, combine, confederate and agree  
6 among themselves and with each other and with other persons whose  
7 names are to the grand jurors unknown as aforesaid, to devise a  
8 scheme and artifice to defraud and to obtain money and property by  
9 means of false and fraudulent pretenses, representations, and prom-  
10 ises from those persons and class of persons described and named in  
11 the first count of this indictment as the persons intended to be de-  
12 frauded, and others, the names of whom are too numerous to set forth  
13 herein, and for the purpose of executing such scheme and artifice,  
14 to place and cause to be placed in the Post Office Establishment of  
15 the United States, letters, circulars, books, advertisements, bulletins,  
16 magazines and other mail matter addressed to various and sundry per-  
17 sons residing within the United States, the names and addresses of  
18 said persons, other than as stated in the preceding counts of this  
19 indictment, being to the grand jurors unknown;

20 That said scheme and artifice to defraud and to obtain money,  
21 property, and other things of value by means of false and fraudulent  
22 pretenses, representations and promises, which the said defendants so  
23 conspired to devise and execute as aforesaid, as more particularly set  
24 forth and described in the first count of this indictment, are hereby  
25 realleged and incorporated herein as if set forth at length;

26 And the grand jurors aforesaid, upon their oath aforesaid,  
27 do further charge and present that at the hereinafter stated times, in  
28 pursuance of, and in furtherance of, in execution of, and for the pur-  
29 pose of carrying out and to effect the object, design and purposes of  
30 said conspiracy, combination, confederation and agreement aforesaid,  
31 the hereinafter named defendants did commit the following overt acts:

32 (1) That at various times, the exact dates of which are

NINETEENTH COUNT

And the grand jurors aforesaid upon their oath aforesaid  
do further present:

T h a t

EDNA W. BALLARD, alias Saint Germain, Jesus, Joan  
of Arc, Lotus Ray King, Chanerai;  
DONALD BALLARD, alias Edona Eros Ballard, Lafayette;  
BETTY MUNDY;  
FRANK VON DERHOYA;  
CHARLES SINDELAR;  
PEARL SINDELAR;  
FRED E. DOBBINS;  
PAUL STICKELL;  
LOUISE MAJERUS;  
CECILIA MAJERUS;  
PAUL POTTER;  
WILLIAM J. CASSIERE;  
CAROLIE HENDRICKSON, alias Ratana Hendrickson;  
FRANCES EKEY;  
BERT E. CORPORON;  
SALLIE BRESSLER;  
BOND BRESSLER;  
MRS. PAUL POTTER;  
STANLEY CONRAD;  
MRS. ADA COX FISHER; ~~and~~  
GRANT L. LEWIS;  
PEARL DIEHL;  
ROBERT LE FEVRE, and JOHN C. KOSTER,

the identical persons named in the first count of this indictment and  
hereinafter referred to as the defendants, heretofore, to-wit: prior  
to the dates of the commission of the overt acts hereinafter alleged,  
and continuously thereafter down to and including the date of the  
filing and return of this indictment, at Los Angeles, California, in  
the Central Division of the Southern District of the State of California  
and within the jurisdiction of this Court and at divers other  
places within the jurisdiction of this Court and in the states of  
Illinois, Ohio, New York, Utah, Florida, Texas, the District of  
Columbia, and at various other places to the grand jurors unknown  
except as herein set forth, did knowingly, wilfully, unlawfully,  
corruptly, fraudulently, and feloniously conspire, combine, confederate  
and agree among themselves and with each other and with  
other persons whose names are to the grand jurors unknown, and with  
Guy W. Ballard, alias Saint Germain, Divine Messenger, Jesus, and  
Godfre Ray King, (up to and including the date of the death of the

No. 14496-BK

UNITED STATES DISTRICT COURT

Southern District of California

Central Division

THE UNITED STATES OF AMERICA

vs.

Edna W. Ballard, Donald Ballard,

et al

INDICTMENT

A true bill,

James T. Bailey  
Foreman.

Filed in open court this FILED day

of \_\_\_\_\_, A.D. 19\_\_\_\_

AUG 28 1940

R. S. SUMNERMAN, Clerk

By James T. Bailey Deputy

Bail, \$ 5000. (Ballards & Lindelars)  
Others \$ 2500.



IN THE DISTRICT COURT OF THE UNITED STATES  
SOUTHERN DISTRICT OF CALIFORNIA  
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs

No. 14,496-Y  
Criminal

EDNA W. BALLARD, DONALD BALLARD,  
BETTY MUNDY, FRANK VON DERHOYA,  
CHARLES SINDELAR, PEARL SINDELAR,  
PAUL STICKELL, LOUISE MAJERUS,  
WILLIAM J. CASSIERE,

REQUESTED JURY  
INSTRUCTIONS

REFUSED BY COURT

Defendants.

*Yankwell*  
JUDGE



7 Give my love and Blessings to Don, Marjory and Louise.  
8 I have heard little from any of you, for dady and mama  
9 are so busy and with the additions to the Group with us  
10 it seems I never find them alone. Things are so different  
11 than formerly and it all seems so strange. I sometimes  
12 pinch myself and wonder whether it is really me and what  
13 it is all about; but one must not even waste energy in  
14 imagining things - just keep on sawing wood and make the  
15 grade yourself.

16 With a great big portion of my Love to you, and please do  
17 excuse this rambling letter, but it has been done on the  
18 installment plan - there may never be another like it,  
19 but it is from the heart. That should mean something.

20 Always in the Light,  
21 *Pete M.*  
22 -----  
23  
24  
25  
26  
27  
28  
29

30 Contrary to the form of the statute in such case made and  
31 provided and against the peace and dignity of the United States of  
32 America.



## SEVENTEENTH COUNT

And the grand jurors aforesaid upon their oath aforesaid do further present:

That they do reallege and incorporate herein, as if again set forth at length, all of the allegations of the first count of this indictment, except those allegations alleging the mailing of the check referred to in said count and therein described:

That the defendants, on or about November 29, 1939, then having devised the said scheme and artifice in said first count described, for the purpose of executing the same and attempting so to do, at Los Angeles, County of Los Angeles, state, division and district aforesaid, and within the jurisdiction of the United States and of this Honorable Court, unlawfully and feloniously did knowingly cause to be placed in the United States Post Office at Los Angeles, County of Los Angeles, State of California, to be sent and delivered by the Post Office Establishment of the United States according to the directions thereon, a certain letter in a postpaid envelope addressed to MR. G. W. BALLARD, Washington Hotel, Washington, D. C., the original of which letter was so mailed and which certain letter was substantially of the following tenor, as is evidenced by the carbon copy, a photostat of which is attached hereto, to-wit:



Date and Plea of Defnts.

11-4-40-Edna W. Ballard, Donald Ballard, Betty Mundy, Frank Von Derhoya,  
Charles Sindelar, Pearl Sindelar, & Grant L. Lewis - Plea N/G

11-26-40 - Paul Stickell, Louise Majerus, William J. Cassiere - Plea N/G  
Case was dismissed as to remaining defendants on Nov. 4, 1940.

Min. Ord. Deny-defnt. mot. to quash - denied - dated Oct. 8, 1940

R. S. Zimmerman, Clerk U. S. District Court,  
Southern District of California

By E. J. Lewis Deputy



ELEVENTH COUNT

And the grand jurors aforesaid upon their oath aforesaid do further present:

That they do reallege and incorporate herein, as if again set forth at length, all of the allegations of the first count of this indictment, except those allegations alleging the mailing of the check referred to in said count and therein described:

That the defendants, on or about November 11, 1939, then having devised the said scheme and artifice, for the purpose of executing the same and attempting so to do, at Sierra Madre, County of Los Angeles, state, division and district aforesaid, and within the jurisdiction of the United States and of this Honorable Court, unlawfully and feloniously did knowingly cause to be delivered by mail according to the directions thereon, a certain letter in a postpaid envelope addressed to MRS. PORTIA TERRY, at 15 Vista Circle Drive, Sierra Madre, California, which said letter had theretofore been deposited in the Post Office Establishment of the United States for mailing and delivery, and which said letter was thereafter delivered to said addressee by the Post Office Establishment of the United States at such address, and within the Central Division of the Southern District of California, and within the jurisdiction of the United States and of this Honorable Court, and which said letter was of the following tenor, to-wit:





# HOTEL WASHINGTON



WASHINGTON, D.C.  
November 8, 1939

Harry N. Rogers  
353 N. Van Ness Avenue  
Los Angeles, Calif.

Blessed Harry, Ernest Ricord and  
all Faithful Students in your  
Study Group Activities:

We thank you and bless you for the check received  
with your letter of October 23rd, representing  
the Love Gift from your Group Activities. How  
earnestly we call that the Loyalty and Devotion of  
each one shall not fail to open wide to them the  
door to their Victory and Eternal Freedom in the  
Light.

You will be interested to know that this letter  
just reached us day before yesterday, having been  
delayed by considerable forwarding from one hotel  
to another, and being registered in each case.

We call to the "Mighty I AM Presence" of each Pre-  
cious Faithful One to charge them with Limitless  
Ascended Master Discretion, Discrimination, Cour-  
age, Strength, Protection and Perfection,  
Eternally Sustained.

Our Love and Blessings enfold you always.

*The Ballards*

GWB:PEC

Contrary to the form of the statute in such case made and  
provided and against the peace and dignity of the United States of  
America.



Of course much new material is coming thru which could not be given to an open class, things on the use and action of the Light Rays, etc. But --- there is also a ruling that no notes are to be taken and this is iron-clad, so nobody will be passing or reading notes they have taken in the future. Mama also said this morning no information verbally is to be given out when people return to their homes. If people want to know what is going on they must come and find out for themselves; altho you had better be prepared to give your life's history as you sign a long agreement that you will do certain things and not do certain things. You cannot get in without a ticket and show that at the door each time.

Gee are we getting tough! However, the results have been so transcendent that no earnest student should object to being obedient to such rules, for the privilege of sitting in that vibratory action where there is only peace and harmony and you could reach out and take hold of the substance, almost, surely it is a blessing of all life-times. I only hope it continues forever, forever and forever.

The seven opening Decrees are given in the Contemplation or rather during the Announcements, then when dady and mama come on they go directly into the Invocation; then Violet sings, then dady and mama say their say. Just before we close the audience sings a song and issues a Decree, then the Benediction. Whether this rule will be followed elsewhere I do not know, but that is the way this class is conducted.

There have been no dictations as yet, so we do not know what has taken place on the Inner Levels, but surely there has been enough Energy released here to lift the planet into its ascension and I am anxiously waiting tomorrow when we hope to hear something about the accomplishment of the past week.

How I wish you might have been here for the class, but not the other things; for believe me this has been some experience. However, it all goes with carrying the Light, and we have been warned in every dictation since and during the Shrine Class - words to this effect: "You will need all the strength and energy to meet that which you will meet in the near future," well we have at least met up with part of it - I hope the worst part, but out of it all we are so much wiser, so much more alert, so much more grateful to the Great Powers of Light, so much more grateful to be a part of the Light rather than on the other side of the fence opposing it. What a privilege is ours!

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

BETTY O. MUNDY  
HOTEL WASHINGTON  
PENNA AVE.  
WASHINGTON, D.C.  
VIA AIR MAIL  
AIR MAIL  
6c

Mrs. Portia Terry,  
15 Vista Circle Drive,  
Sierra Madre, Calif.

Dear Portia:

I have kept the envelope you mailed mama's letter in on my desk ever since, hoping that I would get a letter to you each day, but these have been busy and strenuous days and there has been little time for anything.

As you know the class here is the Philadelphia Class and closes tomorrow night. It has been such a joy to have this closed class and I hope all in the future will be closed, altho that we do not yet know, altho we do know the coming Washington Class beginning on the 24th will be closed.

The radiation that is released in that room and the way the Decrees are given is enough to lift the roof off, but we don't voice that out-loud or Pegler might want the hotel to put us out. We are in the lower room away from everybody and the doors are closed and locked promptly at 2 PM and 8 PM and which ever side of the door you are on at that time determines where you will stay until the class is over. Consequently there is much discipline going on as well.

In fact, it seems to me the students are just beginning to realize what a responsibility they have and how much they have to do with themselves to be willing to be obedient; and they are realizing now with these closed classes if they are not - out they go and out they stay. There is no monkey-doodle-business any more - you either do or you don't. The vibratory atmosphere of the room is not to be disturbed by people moving about, etc. and they are all like lambs - so far - God Almighty see that they remain so.

You could hear a pin drop in the hall and everybody are paying strict attention. They come and sit still without voicing one word of any kind after they ~~XXXXXX~~ pass the door into the hall. Absolute silence reigns everywhere - you could cut it with a knife. Anybody who wants the Light now can get it.

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.